

MEETING**EAST AREA PLANNING SUB-COMMITTEE****DATE AND TIME****TUESDAY 9TH APRIL, 2013****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.

Item No	Title of Report	Pages
6.	East Area Planning sub-Committee - Addendum 8 April 2013	1 - 6

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EAST AREA PLANNING SUB-COMMITTEE

9th April 2013

**ADDENDUM TO ACTING ASSISTANT DIRECTOR OF PLANNING & DEVELOPMENT
MANAGEMENT'S REPORT** **AGENDA ITEM 6**

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"

Pages 1-12

**Reference: F/00367/13
44 Lincoln Road**

The Ward Councillor, Councillor Mitra, sent the following email:

Dear Members,

I note that the latest application at 44 Lincoln Road is a vast improvement on the previous application, which we as a committee refused. I do have a number of outstanding issues, which I should like to bring to your attention. The neighbours are concerned that the flat top roof of the proposed extension may be used as a terraced area, which would result in overlooking into the property at number 46. Officers have attached conditions limiting the amount of space that can be used in the roof area, as access for the first floor flat to the rear garden. I would ask the committee to consider strengthening the conditions so as to ensure that no more of the roof area can be used than is permitted. I hope that strong proactive conditions can be attached, rather than rely on retrospective enforcement action. There are a number of options that might achieve that, such as ensuring the inaccessible part of the roof is either pitched, or constructed in a manner that prevents access, or adding permanent railings that prevent access.

I believe this would be an acceptable and adequate solution, and there would be no other issues of concern in passing this application.

Pages 13-38

**Reference: B/02303/12
Former St Marthas Junior School, 5B Union Street**

Amend Recommendation I as follows:
Omit "3 Affordable Housing".

Amend Condition 1 by adding the following plans:
- 277_PL_401/001; 002; 003.

Add the following reason for condition 15:

" Reason:

The application has been considered on the basis that the development as proposed will not generate a requirement for education services. Should the age profile of the residents change then that requirement will need to be reassessed in accordance with policies CS10 and CS15 of the Adopted Barnet Core Strategy DPD (2012)."

Amend Recommendation III by omitting Reason 2.

Amend 'Proposal Section' p30 by omitting:

"It is proposed that 8 of the 1 bed units would be affordable housing for rent."

Substitute the 'Affordable Housing' section of the report on pages 34 & 35 with the following:

"Affordable Housing

The proposed development comprising 25 residential units meets the threshold, 10 or more units, for requiring affordable housing as stated in Policy DM10. The policy states:

Having regard to the borough wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

The preamble to the policy advises that the quantum of affordable housing will be considered on a site by site basis and subject to viability."

A viability report has been submitted in support of the application which concludes that the process of affordable housing as part of this development would result in the value generated by the development being lower than the viability benchmark. An independent assessment of the report agrees with its conclusion that the provision of affordable housing would be unviable.

Policy DM10 clearly states that the provision of affordable housing is subject to viability. In this case the circumstances of the development are such that it would render the proposal unviable to formally require affordable housing as part of this development and accordingly it is considered that the application is acceptable in this respect and a refusal based on the absence of affordable housing could not be justified.

Substitute the "Equalities and Diversity Issues" section of the report on p36 with the following:

4. EQUALITIES AND DIVERSITY ISSUES

Summary of the Provisions of the Equality Act

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 have due 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 protected groups.

The initial outputs from the 2011 Census show that 51.5% of the Barnet population are female and this proportion rises to 67.5% among the over 85s. The census reveals that the number of residents aged between 65-74 within the borough has grown and indicates that Barnet is yet to experience the full impact of an ageing population. In addition Barnet's ageing population is above that of the London average.

The Office for National Statistics have published further breakdowns on the 2011 census data in respect of Barnet which is set out below:-

50 -54 yrs	10,724 (Females)	10,124 (Males)
55-69	9,056 (F)	8,493 (M)
60-64	8,835 (F)	8,077 (M)
65-69	7,139 (F)	6,187 (M)
70-74	5,683 (F)	4,714 (M)
75-79	5,011 (F)	4,023 (M)
80+	9,240 (F)	5,435 (M)

Therefore, having due regard to the "age" protected characteristic under the Equalities Act, this proposal would appear to be of some benefit for the borough in supporting independent living for a growing demographic in Barnet.

In overview this shows that in the 50 years and over age bracket there are some 55,688 females compared to 47,053 males, a numerical difference of 8,635. It is considered that this proposed development comprising specialist accommodation would contribute to providing supported independent living for a growing demographic in Barnet falling within the "age" protected characteristic.

Since the report was prepared a further 5 letters of objection have been received raising the following objections:

- Too large a scale building to be allowed in the Conservation Area.
- Too large and too close to properties at the southern end of the site.
- Will change the character of the Conservation Area.
- Will adversely affect all properties close to the site not just those on Union Street.
- Three buildings will result in overlooking and loss of privacy to neighbouring properties on Wood Street.
- Applicants invited to view site from neighbouring properties but did not take up invitation.
- Planning officers not visited the neighbouring properties.
- Would dwarf existing two storey cottages.
- Concerns about consultation.
- Concerns in respect of building work/ disruption, already inadequate water supply and parking.
- Adverse impact on parking in the area particularly as 3 bays have recently been removed.

One further response in support of the application has been received commenting as follows:

“This is an opportunity to solve some of the anxiety felt about an aging population and to encourage intelligent Local Government support for individual independence.

In my own case this will give me a chance to put my own four bed roomed house on the market and thus provide an opportunity for a family to move in to a more suitably sized home in Barnet.”

The Rt. Hon. Mrs Theresa Villiers MP has commented as follows:

“I am supportive of the plans submitted by the Older Women’s Co-Housing Group, because the project is designed to enable people to live independently of state support for much longer than would be the case in ordinary accommodation. I therefore feel that this project would be of benefit to Barnet.

However, concerns have been raised by nearby residents about the increased parking in the area should the project be given the go-ahead. I hope you will be able to resolve these concerns and ensure that there is sufficient parking on the site.

I am in favour of this application.”

The Barnet Society has been consulted on the amended plans and considers that the revised proposals are a considerable improvement and supports the revised scheme and hope that consent will now be granted.

The Monken Hadley and Wood Street Conservation Area Advisory Committee have been consulted on the amended plans and have ‘no comment’ to make in respect of the revised proposal.

Environmental Health raise no objection subject to the imposition of a condition in respect of contaminated land.

Pages: 45-52

Reference: TPO/00079/13/B

Address: 61 Richmond Road, Barnet, Herts, EN5 1SF

Since the report was written two additional letters of objection and one letter of support have been received.

No new grounds of objection have been raised.

The grounds of support can be summarised as:

- Concern regarding possible future branch drop/tree failure
- Light loss

On the submitted application form the arboricultural consultant agent has indicated that they do not have concerns over the condition of the tree, nor were any major structural faults noted during inspection of the Pine. The complete removal of a healthy tree because of generalised fears that one day its condition may deteriorate and / or to allow more light to reach a given location is considered excessive – and do not accord with the reasons given on the application form.

Pages: 75-84

Reference: F/03527/12

Address: 110 Ashurst Road, London, N12 9AB

Amendment to Condition 2 to include:

- Email from agent dated 28 March 2013

Under 'relevant site history' of the officer report the following is added

-Enforcement ref: ENF/01153/10/F (110 Ashurst Road)

The above enforcement notice referred to the subdivision of 110 Ashurst Road. The breach of planning control as alleged in the notice was the subdivision of the property into four self contained and one non-self contained residential units. The appeal was dismissed and the notice upheld but the inspector did extend the period for compliance. In determining the appeal the inspector agreed with the council that the use was unlawful. However, it should be noted that the planning considerations of the conversion were not considered as part of the appeal as ground 'A' was not included.

- Enforcement ref: ENF/00140/12/F (50 Ashurst Road)

The inspector determined that the conversion of the a single family dwelling house at the above address into 2 self contained flats was acceptable. With regard to character the inspector made the following points:

- 1) The existing character of Ashurst Road and its adjacent streets is of mainly modest sized, two-storey houses on fairly narrow plots, with small front gardens. The inspector stated that two existing flat conversions in Ashurst Road were permitted some years ago under a different policy context. The inspector deemed that these conversions had not altered the established character of the street having made a site visit.*
- 2) The inspector accepted that the character of Ashurst Road could be altered by the cumulative effect of a significant number of flat conversions. However, any comparison between the number of occupiers of the proposed two flats and of the property as a single dwelling could be speculative. The inspector deemed that the existing property could accommodate a significant number of people, whether or not part of a traditional nuclear family. It was also stated by the inspector that members of a large household could conceivably make multiple trips at various times of the day and night. Therefore the inspector was not convinced that two households would inevitably generate significantly more trips, general activity, parking pressure or rubbish for disposal than a potentially large single household.*
- 3) Sound insulation, which could be secured by a condition, could adequately prevent harmful disturbance to the adjoining neighbour which could potentially arise from the use of the first floor as living accommodation, as opposed to sleeping accommodation.*

- 4) *The rear gardens of the appeal property and its neighbours to the side and rear are sufficiently large to absorb any increase in activity arising from its sub-division.*
- 5) *Although there was no dropped kerb, parking could in principle, be provided on site and secured by a condition. Furthermore, the highways officer acknowledged that the street is capable of safely accommodating any additional parking demand resulting from the small development of this nature. It was considered by the inspector that the likely modest level of increased vehicle movements or pressure for parking would not harm the character of the street.*

Under the title 'Amenity/Character' of the officer report the following is added:

- The proposal illustrates that both flats would contain 1 bedroom. However, it needs to be taken into account that the upstairs flat layout includes a large studio room that could conceivably be used as a 2nd bedroom. The applicant has confirmed in writing that the room could be used as a 2nd bedroom. The floor area of the upstairs flat is approximately 57m² which is below the minimum 60m² requirement for a 2b3p flat as outlined in Table 3.3 of the London Plan. Both units have sufficient floor space for use as 1 bedroom flats.

Pages: 85-96

Reference: F/00052/13

Woodhouse College, Woodhouse Road, London, N12 9EY

Condition 1 Amendment:

- *Tree Survey and Report by C J Wallis dated 28 January 2013*
- *BREEAM New construction 2011 (Education) Pre-Assessment Report for: Woodhouse College, London Date: 21st December 2012 Version 1.1*
- *Energy Strategy Summary Statement by Create Design + Architecture Ltd (24 January 2013)*

Amended Condition 10 to read;

The non-residential development is required to meet the BREEAM 'very good' standard. Before the development is first occupied the developer shall submit certification of the selected environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 5.2 and 5.3 of the London Plan (2011).

- The condition was amended from BREEAM 'excellent' to 'very good' because the BREEAM pre-assessment report (21 December 2012) submitted during the application process indicated that the applicant was only prepared to construct the proposal to this level. Furthermore, the adopted 'Sustainable Design and Construction SPD 2007' does not require a BREEAM rating of above 'very good' for a development of this type in this location.