

<p><b><u>MEETING</u></b></p> <p><b>PLANNING AND ENVIRONMENT COMMITTEE</b></p>
<p><b><u>DATE AND TIME</u></b></p> <p><b>TUESDAY 12TH NOVEMBER, 2013</b></p> <p><b>AT 7.00 PM</b></p>
<p><b><u>VENUE</u></b></p> <p><b>HENDON TOWN HALL, THE BURROUGHS, NW4 4BG</b></p>

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 of the Acting Assistant Director of Planning and Development Management;	1 - 8

Maria Lugangira  
maria.lugangira@barnet.gov.uk

This page is intentionally left blank

## PLANNING & ENVIRONMENT COMMITTEE MEETING

Tuesday 12<sup>th</sup> November 2013, 7.00PM

AGENDA ITEM 6

### ADDENDUM TO REPORT OF THE ACTING ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

---

#### Pages 1-92

Reference: F/02217/13

Address: 931 High Road, North Finchley, London, N12 8QR

#### Amendments to the committee report

#### **Amend Head of Term (e) on page 3 of the report to read:**

##### "Amendment to Local Traffic Order

A contribution of £2,000 Index Linked to cover the costs of making an amendment the existing Traffic Management Order for the North Finchley Controlled Parking Zone."

#### **Amend Condition 31 on pages 14 and 15 of the report to read:**

"Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site (both to enclose the site and to divide areas within the site) shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved, be permanently retained as such thereafter and, notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order), the means of enclosure erected at the site shall not be altered in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

##### Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan."

#### Additional Responses

Since the committee report was published an additional email raising objections to the application has been received. A copy of this email has been circulated to Members. The points raised in the email are responded to in the committee report.

**Pages**

**Reference: H/04130/13**

**Address: Merrivale, East Road, Edgware, Middx, HA8 0BT**

**Amendments and clarifications to the committee report:**

**Add to EQUALITIES AND DIVERSITIES ISSUES**

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it behaves as follows:

(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) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) 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:

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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 from 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.

(4) 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.

(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

(b) Promote understanding

(6) 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.

(7) The relevant protected characteristics are:

• age;

• disability;

- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

(a) a breach of an equality clause or rule;

(b) a breach of a non-discrimination rule.

(9) schedule 18 (exceptions) has effect.”

The likely equalities impacts of the development are as follows:

In considering the application, it is unlikely that any specific groups will be unduly affected by the proposals. It has been identified that the scheme would not materially harm the interests of local residents. The proposals do result in the loss of a vacant former care home.

Policy CS10 of the Adopted Core Strategy Policy CS 10 notes that the Council will work with partners to ensure that community facilities are provided. The policy background that within health and social care, the overall objective within the Borough is to shift focus away from intensive and institutionalised care such as residential care homes.

In 2001 Catalyst Housing Ltd won a tender from the London Borough of Barnet to transfer and operate 11 residential care homes and associated day centres located in the Borough of Barnet. The care homes were transferred to Catalyst in 2002.

The existing care homes were dated and would not comply with new Regulatory Standards being brought in for care and would have had to close. They were inefficient in terms of energy performance, they were in poor repair, had inefficient layouts resulting in high staff costs, and no longer met the aspirations of residents in terms of single bedroomed accommodation, bedroom sizes, ensuite bathrooms and associated facilities.

Catalyst’s tender re-provided care home accommodation and day centre facilities in new purpose built care homes and daycentres in selected parts of the Borough. Where appropriate the remaining sites would be developed for affordable housing as part of the agreed strategy with the Council.

The care home re-provision programme is now complete and, as a result, the Merrivale care home is no longer required and closed in 2012. All residents that remained in the care home on closure were re-housed in new facilities at Apthorp Lodge, Meadowside and Dell Field Court which were recently built by Catalyst Housing. In addition, Catalyst already has a presence in the area, having completed Wood Court on South Road, a 40 bed extra care sheltered scheme, in 2008.

It is not considered that the proposals would materially harm neighbouring amenity, highway safety, or result in the loss of a community facility. The proposals would provide new residential dwellings to add to the borough’s housing stock.

**Amend Condition 1 to read:**

The development hereby permitted shall be carried out in accordance with the following approved plans: 1849\_GA E 01 A, 1849\_GA E 02 A, 1849\_GA E 03 A, 1849\_GA E 04 A, 1849\_GA P L00 A, 1849\_GA P L01 A, 1849\_GA P L02 A, 1849\_GA P R03 A, 1849\_GA SL A, 1849\_EX\_SP, 1849\_EX\_E\_01, 1849\_EX\_E\_02, 1849\_EX\_P\_L00, 1849\_EX\_S\_01, 1849\_EX\_SL, Land Survey, Design and Access Statement, Tree Survey Plan, Tree Protection Plan, 2450-GMP-01 Rev J

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

**Amend Condition 3 to read:**

Before the development hereby permitted is occupied the parking spaces shown on Plan GA-P-L00 A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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 in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

**Amend Condition 7 to read:**

Before work is commenced on the relevant part of the development, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012)

**Amend Condition 8 to read:**

Before the building hereby permitted is occupied the proposed window(s) annotated as obscure glazed on plans GA P L00 A, and GA P L01 A, and GA P L02 A, 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 in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

**Amend Condition 19 to read:**

Before the relevant part of the development hereby permitted commences details of the location within the development and specification of the 3no. units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 3no. units shall demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

**Amend Condition 28 to read:**

Before work commences on any relevant parts of the development, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details and shall be maintained as such thereafter.

Reason: To safeguard the amenities of neighbouring residents in accordance with policy DM01 of the Adopted Barnet Development Management Policies 2012.

**Add condition:**

‘Before work commences on any relevant part of the development, details of boundary treatment shall be submitted to and approved in writing by the local planning authority.’

Reason: To ensure a satisfactory appearance to the development in accordance with policy DM01 of the Adopted Barnet Development Management Policies 2012.

---

**Pages**

**Reference: H/03860/13**

**Address: Phase 3, Millbrook Park (former Inglis Barracks), Mill Hill East, London, NW7 1PZ**

**Amendments and clarifications to the committee report:**

Note: Deleted text stuck through and new text underlined.

### **Amend Description of Proposal on Page 115**

Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 3 of Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 138 units 7 x 5 bedroom houses, 41 x 4 bedroom houses, 47 x 3 bedroom houses, 26 x 2 bedroom apartments and 17 x 1 bedroom apartments together with details to discharge the requirements of:

Conditions 5 (Reserved matter details), 8 (Affordable housing), 12 (Noise survey along Boundary with IBSA House), 26 (Access points), 27 (Details of Estate Roads), 29 (Internal access roads), 35 (Petrol/oil inceptor), 48 (Open space), 52 (Children's playing space), 57 (Boundary treatment/buffer), 70 (Home standards), 80 (Sustainable homes), 83 (Grey water/rainwater recycling) ,85 (Green/brown roofs).

### **Amend third paragraph of Informative 1 on Page 123 to read:**

The reserved matters details submitted would result in a residential development with a high quality appearance and would create a residential environment that meets the amenity requirements of future occupants of the family homes proposed. The proposals are broadly in accordance with approved Parameter Plans of application ref HH/04017/09 and are considered to generally follow the principles established within the Design Code approved under application ref H/04565/11 whilst complying with the development plan including the specific policies of the Mill Hill Area Action Plan 2009. The proposal is acceptable on visual amenity, access, highways, biodiversity, and drainage grounds. The submission is therefore considered to satisfactorily address reserved matters of: Layout, Scale, Landscaping and Appearance for Phase 3 of Outline permission H/04017/09. It satisfies Conditions 5, 8, 12, 26, 27, 29, 35, 48, 52, 57, 70, 80, 83 and ~~94~~ 85 of the outline consent in relation to ~~Phase 2~~ Phase 3 of the outline permission.

### **Amend Informative 3 to read:**

The costs of any associated works to the public highway, including temporary traffic order making and related implementation works and reinstatement works will be borne by the applicants and carried out either under rechargeable works Agreement or may require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by Traffic & Development Section – ~~Environment Planning and Regeneration Directorate~~ Development and Regulatory Services (DRS).

### **Add Informative 4:**

The applicants attention is drawn to the attached letter received from David Archer of the London Fire Brigade advising that current standards require fire appliances to be able to reach a point at least 45m from the furthers part of all buildings.



## **Additional Comments Received**

Two additional letters of objection were received from residents who had previously submitted comments advising that:

- Previous concerns regarding loss of daylight and privacy remain;
- Daylight and Sunlight survey fails to take account of existing and proposed trees;
- Proposal would be detrimental to character of Partingdale Lane;
- Impact of traffic and parking;

Officer Comment: The issues raised reiterate previous objections which are discussed in detail in the Committee Report.

### London Fire Brigade

Additional comment received advising that while fire appliances would be able to reach a position 45m from the front door of all buildings current standards require fire appliances to be able to reach all parts of a building within 45m. This is a matter for building control rather than planning however the London Fire Brigade would like these comments on record.

### Environment Agency

Email received 8<sup>th</sup> November confirming No Objection to proposed Drainage Strategy proposed for Phase 3.

## **Errata**

Page 137 – Consultation and Views Expressed

Third paragraph:

At the time of writing ~~four~~ five letters from neighbouring residents raising the following (in summary):

Page 143

Add text:

- Condition 35 – Petrol and Oil Interceptors

This requires details (if any) of proposed petrol and oil interceptors to be provided before each phase.

Page 144

‘The principle of constructing 403 138 residential dwellings and provision of public open space is established by the outline planning consent. Condition 5 (Reserved Matters Details) seeks details (layout, scale, landscaping and appearance) to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development.’

Page 169

'Electric charging points have been provided either in the garage or in the courtyard and meets the minimum required in the London Plan 2011 (~~40%~~ 20% active and ~~40%~~ 20% passive) to encourage the uptake of electric vehicles. Motorcycle Parking is also provided.'

Page 172

Replace Text

'The application also satisfies the requirements of Conditions 5, 8, 12, 26, 27, 29, 35, 48, 52, 57, 70, 80, 83 and 85 of the outline consent.'