

MEETING**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE****DATE AND TIME****WEDNESDAY 3RD SEPTEMBER, 2014****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX**

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
	Reports of the Assistant Director of Planning and Development Management	

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FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

3rd SEPTEMBER 2014

Agenda Annex

ADDENDUM TO ASSISTANT DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL'S REPORT

Order of Business

Page: 1-26

Ref: F/00171/14

Golders Green Eruv

Since the committee report was written the Council has received an email from the residents in Farm Avenue which has been circulated in full to Members before this meeting. In summary the points raised in this email are as follows:

- Why is this part of Farm Avenue included?
- The hedge between 20-22 Farm Avenue is due to be reduced in height this week this would then be below the height necessary for a boundary structure for an Eruv and therefore the proposal would be unworkable.
- The location of the pole will affect access to Thames Water access points.
- Why can the poles not be placed on a main thoroughfare?
- The poles are visually obtrusive and will adversely impact residential amenity.
- A tapering pole will still impact visually.
- The council should be reducing street clutter and not increasing it. The argument that as there is already street clutter is not valid.
- The distance to habitable room windows is closer to 8m not 9m as stated in the committee report.
- Lack of communication by officers/the council on the application.
- Not informed of the committee meeting.

Officers Response

Many of these have been previously raised by other objectors and have been considered in the report. However, the following specific responses can be made:

- An Eruv must be made of walls or doorways at least ten tefachim (hand breadths) in height (approximately 1m high). The applicant has looked at several alternative locations for the 'bridging' of Farm Avenue and the current application site was deemed most appropriate given that these requirements need to be met on both sides of Farm Avenue.

- The application has to be considered on the basis of the information submitted. If the circumstances change then the applicant may need to reapply to amend the proposal.
- The works will be subject to a Section 278 notice for works to the highways and as part of this works if access to utilities need to be moved this can occur.
- This is covered by the first response.
- This has been considered in the main report.
- The Local Planning Authority considered the original poles submitted (and to be used elsewhere within the proposed Eruv) to be acceptable. However, given concerns raised by local residents officers asked whether the poles could be further reduced and as a result the applicant amended the proposal to tapered poles in this location.
- This has been considered in the main report.
- The plans have been rechecked and the distance between the habitable room windows and the proposed location of the poles is correctly stated in the committee report as 9m.
- Consultation on the application was delayed as Eruv applications are accompanied by a questionnaire that is specific to each application and takes time to be generated. As a result there was a delay between registering the application and consultation letters being sent out. Residents were given 28 days to comment on the application. Site notices were also erected on site. The Local Authority sent out over 1000 consultation letters and erected site notices at each of the 9 sites. Consultation letters were sent to those properties within 50m of the proposed site. In terms of Farm Avenue nos. 5-28 (inclusive) were consulted.
- The Council only write to inform those objectors who wish to speak of the date and time of the committee meeting. This objector did not request to speak.

Page: 35-42

Ref: F/02788/14

Brondesbury Cricket Club

The following additional points have been raised by the applicant:

1. The report refers to the fact that this is a retrospective application. However it is not a case where an applicant inadvertently omitted to obtain a planning consent. They erected the masts and netting after they submitted the planning application, not bothering to await the outcome.
2. The applicant did not consult with neighbours – the first we knew about it was when we received notification from the Council.
3. As you are aware although we consider that the masts are excessively high, our principal concern is the netting which obscures our views, particularly outside the summer period when there is less foliage

4. We contacted the applicant to express our concerns and on their behalf Mr McCombe responded on 3 July 2014 that:

“One of the benefits of the new system will allow the netting itself to be raised as and when cricket is being played, and then lowered when games are complete. As a result, the netting should be up for very limited periods during the course of the summer, and lowered completely for the remainder of the year.”

5. We therefore requested you to recommend to the Committee that the Council impose a condition to this effect. You subsequently informed us that the applicant had stated to you that they are not willing to agree to such a condition because of problems in raising and lowering the nets.
6. The masts and netting are solely to protect tennis players from cricket balls and we do not consider that it is reasonable for the netting to remain up and to obscure our views outside of the cricket season i.e. between October and March **and we ask that the Committee impose such a condition as a term of any grant of permission.** –
7. The netting was installed after the masts were erected and the contractors must be able to lower or remove the netting at the end of September and raise it again in April for the start of the cricket season.
8. Had the applicants consulted with neighbours or indeed waited for the Committee’s determination, the easy ability to raise and lower the netting could – and should – have been included as part of the design. Neighbours should not be prejudiced because the applicant chose not to consult with us and to erect the masts and netting before obtaining a planning consent.

Officers Response:

The majority of these have been covered in the report. However, the following specific responses can be made:

- This is noted and the applicant has proceeded at their own risk. However, this is not reason to withhold permission.
- There is no obligation on minor planning applications to consult with residents though it is advisable.
- The loss of a view is not a planning consideration although the visual impact is. This is discussed in the officer’s report.
- The request is noted. The applicant has subsequently advised that they are unable to comply with this requirement after it was initially suggested. Ultimately the Local Planning Authority has to consider whether this condition is necessary in order to prevent loss of amenity to neighbouring residents, and also whether it is reasonable to require the applicant to do this when they have indicated that the posts on site would not allow for the nets to be removed. In the absence of any such

condition it is not considered that the visual impact would cause a materially harmful loss of visual amenity to neighbouring residents.

Page 40 – Planning Considerations

Delete – ~~The applicant has advised~~

Page: 43-64

Ref: F/03607/14

The Castle, 452 Finchley Road, NW11

Recommendation I of the committee report needs to be amended to include the following additional requirement:

6. The new realigned access to the development as shown on drawing 7141-006 shall be built under Section 278 of the Highways Act 1980 and the cost for these works shall be borne by the applicant.

Point 6 needs to be amended to read

Monitoring of the Agreement

£4752.00

Point 3 needs to be amended to read

A contribution towards the cost of felling and replacement tree planting to enable the removal of the protected mature Horse Chestnut tree ~~T6 and Sycamore T1~~.

Recommendation II the following additional conditions are recommended:

Condition 20 is to be deleted as it duplicates condition 11.

Condition 17 needs to be amended as follows:

No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority. The statement shall provide for: **details of the time, frequency and routing of construction vehicles and access/egress arrangements within the development site; details of how access will be kept clear/maintained during works** ~~access to the site...~~

20. Prior to the occupation of any of the units a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the Car Park shall be managed in accordance with the details thereby approved. The Car Parking Management Plan shall include details on:

- Confirmation that the parking spaces provided will not be used for any purpose other than parking and turning of vehicles in connection with this development.

- Confirmation that residents will not be charged for the use of parking spaces.
- Details of how the parking spaces will be managed and how they will be shared between the office and residential uses.
- Details of how parking spaces will be allocated and how the parking strategy will be enforced.
- Locations of the Electric Vehicle Charging Points (ECVP) with an overall provision of 20% of the total parking spaces being active and 20% passive.
- Details of how the ECVP will be monitored and a strategy for converting the passive points to active should monitoring indicate that there is a need.
- Details of which spaces will be used as disabled parking bays and how these will be marked out and enforced.
- Details of how visitors/deliveries/servicing will be accommodated within the site.
- Details of any vehicular gates/barriers that are proposed and how they will be operated.
- Details of how surface water drainage within the private areas will be managed to ensure that no surface water will be discharged onto the public highway.

Reason:

In the interests of highway safety in accordance with the London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

21. Before the permitted development commences details about the refuse/recycling/servicing arrangements shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Departments facilitating these collections. Details shall include swept paths for vehicles associated with these activities. The development shall be carried out in accordance with such details as approved.

Reason:

To ensure that this operation is satisfactory in terms of highway safety and to protect the amenity of the area in accordance with the London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

22. No development or other operations shall commence on site in connection with the demolition and development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

23. No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

The following additional informatives are recommended:

4. Subsequently to the planning consent obtained, the developer will be required to agree with the Highway Authority all off site highways works on the public highway to facilitate the proposed development under Section 278 of the Highways Act 1980 in accordance with drawing number 1213-A-20B. This is a separate approval which must be agreed in advance prior to carrying any form of work on the public highway. The Highways Authority will not adopt and maintain any additional areas that are not currently part of the public highway.

All existing street furniture or lighting columns affected by the proposed works should be relocated and charged under a rechargeable work agreement by the Council's term contractor for Highways Works.

5. The applicant is advised that Finchley Road is a Traffic Sensitive road. Activities associated with refuse, recycling and deliveries (including those during the construction period) shall not take place between 8.00am-9.30am and 4.30pm-6.30pm Monday to Friday. Also careful consideration must be given to the optimum route(s) to be used by construction traffic and the Highways Manager should be consulted in advance.

Two further letter of objection was received. No new issues were raised.

Page 57 third paragraph needs to be amended as follows:

Due to the levels changes on the site on its northern side, facing Portman Heights it is 5 storey and on the south side, fronting Hermitage Lane it is **4** (6) storeys.

Page: 65-80

Ref: F/02492/14

27-29 Hermitage Lane

Remove condition 8 in relation to obscure glazing. The windows would overlook the flank walls of neighbouring dwellings and not any habitable room windows.

Page: 81-104

Ref: F/00683/14

23-25 Woodstock Road

Since the committee report was written 2 further letters of objection were received objecting to the application for the following reasons:

- Insufficient parking and an increased pressure for parking spaces on the street.
- The application at No. 3 Woodstock Road cannot be used as an example to permit this development as originally the scheme should have included a basement car park. However, without consulting with local residents this was subsequently varied to 5 surface spaces of which only 3 can be used due to a tree and a lamppost.

Officers Response

The issue of parking been considered in the main report. Number 3 Woodstock Road is not mentioned in the committee report and has not been taken into account when considering this application.

If members are minded to approve the application the following additional condition is recommended:

13. Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

Page: 105-116

Ref: F/03313/14

Hermes House, 1 Ridge Road, NW2

Since the committee report was written a petition of 18 signature has been received objecting to the application for the following reasons:

- Increase in traffic, access and parking both during and after development at the site.
- Scale, appearance and impact on the surrounding area and adjoining neighbours.
- Potential noise and disturbance resulting from the development of the site.

- The use of the premises may not be appropriate or beneficial for the area.
- Potential danger to young children who play in the immediate area including the adjacent car park and cul de sac at Prospect Place opposite the proposed development.
- Possibility of fewer parking spaces for families with children and disabled local residents due to increased use of already limited parking spaces.
- Increased traffic in Ridge Road and surrounding streets could present a threat to the safety of both residents and families along with local schoolchildren from All Saints and their parents.

Officers Response:

Many of these have been previously raised by other objectors and have been considered in the report. However, the following specific responses can be made:

- The proposal would result in a reduction in floorspace than that which is currently provided by the current building. The site currently has no off street parking and the proposal will provide one off street space. The proposal is therefore not considered to result in an increase in traffic, access and parking.
- The proposed new building utilises the drop in levels across the site to minimise the bulk of the proposed building so the current proposal would be between 0.4-1m higher than the current building. The proposal would also maintain the current relationship with adjoining properties and as a result the proposal is considered to accord with the requirements of Policies CS1 and DM01 of the adopted Local Plan.
- The proposal is for the same use as the existing building and therefore it is not considered that the proposal would result in an increase in noise and disturbance.
- The proposed use is the same as the existing use and therefore it is not considered detrimental to the area.
- The car park and cul de sac are separated from the site by Ridge Road the proposal is therefore not considered to adversely impact upon the safety of children.
- The proposed development would result in a reduction in floorspace and the provision of an off street parking space as a result it is not considered that the proposal would result in an increased pressure for on-street parking.
- The site is approx. 85m from All Saints Road whose main pedestrian access is on Cricklewood Lane. The proposal is therefore not considered to adversely affect pedestrian safety.

Page: 117-124

Ref: F/03911/14

Ground Floor Flat, 69 Park Hall Road

This has been withdrawn from the agenda at the request of Officers.

Page: 133-140
Ref: F/02487/14
57A Nether Street

The description of the development should be amended as follows to reflect the description of the amended proposal made by the developer as detailed within the body of the report to committee.

“Erection of single storey front extension. External alterations with new windows and doors to front and side elevations”

Page: 141-148
Ref: F/03457/14
Chalgrove Primary School, Chalgrove Gardens

Condition 1 needs to be amended to include the following additional documents:

Planning Statement and Design and Access Statement.

Condition 5 needs to be replaced with the following amended wording:

Within 3 months of occupation of the new building the school's School Travel Plan shall be reviewed, updated and submitted to and approved in writing by the Local Planning Authority. The document shall set out the school's transport policy to incorporate measures to reduce trips to school by car and encourage non car modes such as walking, cycling and public transport. The School Travel Plan should include the appointment of a School Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be reviewed and submitted for approval annually.'

Reason:

To encourage the use of sustainable forms of transport to the site and in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Barnet's Local Plan Policy CS9 of Core Strategy (adopted) September 2012 and Policy DM17 of the Development Management Policies (adopted) September 2012.