

<p><b><u>MEETING</u></b></p> <p><b>FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE</b></p>
<p><b><u>DATE AND TIME</u></b></p> <p><b>MONDAY 27TH JULY, 2015</b></p> <p><b>AT 7.00 PM</b></p>
<p><b><u>VENUE</u></b></p> <p><b>HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ</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
	<b>Reports of the Assistant Director of Development Management and Building Control</b>	

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## FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

27<sup>th</sup> July 2015

Agenda Annex

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

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Page: 39-60

Ref: 15/02053/FUL

Site: Jacabs Ltd Dersingham Road Garage Dersingham Road London NW2  
1SP

The scientific services team have further reviewed the contamination reports submitted as part of the application and have the following comments:

#### **Desk Study**

The site was previously used as a filling station & currently it operates as a taxi repair garage. I understand, from the report, that the proposal would include a 240sq meter communal area and a separate private patio area. Due to the previous and current use the likely contaminants or properties highlighted within the report include Asbestos, metal and semi metals (e.g. Arsenic, Chromium, Organic compounds e.g. PAHs and TPHs) and soil gas.

The report recommendations include a further intrusive contaminated land investigation. The proposed further works are acceptable.

#### **Ground Investigation Report**

Exceedances of m &P-xylenes were identified during the sampling (WS2 at 0.20m), so it would be necessary to undertake remediation in respect of this material.

Given the previous use as a filling station there is a risk relating to soil gas, so appropriate gas monitoring must be undertaken.

The proposed further investigation methods are acceptable.

All of the above would be covered by adding the contaminated land condition and associated informative. Due to the likelihood of asbestos containing materials at the site, I would recommend that you also refer this to building control and ask the applicants to employ a watching brief for when works are carried out / or when any excavations take place.

The agent has provided further details on the viability of the creation of a D1 medical practice.

It should be noted that the nearby Childs Hill Clinic on Garth Road, which is one of the nearest D1 centres to our site, is not a medical centre and instead is very specialist in dealing with nursing and health care issues relating to children. It should also be noted that whilst the intended tenant for the proposed D1 use is a medical professional this can include a registered osteopath, a chiropractor or a speech and language therapist to name a few examples. Although providing a sufficient sized unit this is not very large and therefore can be affordable and flexible for a multitude of users that could range from start up businesses operating within the D1 category to an experienced practitioner that is looking for a smaller practice with flexible hours of use and terms. In this regard the scheme is required, viable and suitable in this location.

Page: 87-108

Ref: 15/01021/FUL

Site: 114 Regents Park Road

It should be noted that there are side windows in the property at no.2 Holly Park. The report states that there will be no windows, this should read as there are no principal windows in the flank elevation. It has been confirmed by the occupier that the windows in the side serve the kitchen at ground floor, which is the secondary window with a front facing window also serving the kitchen and a toilet window at first floor level.

The following sentence in the report should read as: "It should be noted that there are no principal windows in the flank wall of no 2 Holly Park therefore there will be no loss of amenity."

Page: 13-28

Ref: 15/02695/FUL

Site: 23-25 Woodstock Road NW11 8ES

Condition 1 should be amended to read:

The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; SU01, SU02, SU03, SU04, SU05, SU06,

SU07, SU08, SU09, SS01A, SS.02A, GA01C, GA02C, GA03C, GA04C, GA05C, GA06B, GA07B, GA08C, GA09C, GA10C, GA11C.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

The following heads of terms should be added to the decision:

**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. Deed of variation to link the current application with the previous legal agreement under application 14/07300/FUL.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; SU01, SU02, SU03, SU04, SU05, SU06, SU07, SU08, SU09, SS01A, SS.02A, GA01C, GA02C, GA03C, GA04C, GA05C, GA06B, GA07B, GA08C, GA09C, GA10C, GA11C.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3 Prior to occupation the approved development shall make provision of cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with 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.

4 Before the development hereby permitted is occupied, existing parking spaces shall be retained for the use of the proposed development as per the information submitted with the planning application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with 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.

5 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

6 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies

DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

7 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

9 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 agreed details before the use is commenced.

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.

10 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

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

11 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

12 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

13 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: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to. A vibration monitor shall be installed on site in accordance with details to be agreed with the Local Planning Authority to ensure compliance with British Construction Guideline standards.



Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

14 With the exception of areas marked as terraces on the approved plans listed in condition 1, the flat roof areas of the building hereby permitted shall only be used in connection with the repair and maintenance of the buildings 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).

15 Before the development hereby permitted is occupied, the outdoor amenity areas shall be implemented as indicated on plan S01A and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

16 The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

17 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community

18 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

19 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

20 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 litres per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

21 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

### **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30/09/2015, unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

The proposal would therefore not address the impacts of the development, contrary to Policy DM17 of the Local Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Page: 109-132

Ref: 15/02194/FUL

Site: 25-27 Wickliffe Avenue N3 3EL

Amend Condition 1 to read:

The development hereby permitted shall be carried out in accordance with the following approved plans: PL-100, PL-101B, PL-102D, PL-103D, PL-104E, PL-105E, PL-106D, PL-107D, PL-108A, PL-109B, Noise Impact Assessment, Letter from AAe Environmental Consultants dated 27/03/2015, Design and Access Statement, Planning Statement, Daylight and Sunlight Assessment, Arboricultural Report and Plans 1,2,3,4,and 5, WA-PP-001.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

Amend condition 7 to add reason:

Before the building hereby permitted is occupied the proposed east facing first and second floor windows to of flat 7 and flat 9 facing no.23 Wickliffe Avenue, and the south facing first floor and second floor windows to flats 5 and 8 facing Charlton Court shall be glazed with obscure glass only and fixed shut. The first floor windows shall only have a fanlight opening. The windows shall be permanently retained as such thereafter.

**Reason: To safeguard the privacy of neighbouring occupiers.**

Pages 133 – 146

70 Friern Park, London, N12 9LA

14/07718/FUL

Following correspondence from the applicant's agent, Section 3 (Proposal) of the report should be amended and the highways arrangements concerning The Lindens should be taken to constitute the following:

- There will be no barrier preventing access to and from The Lindens and the application site.
- There will be a sign erected at the boundary between the two sites advising those using the access road into the application site that there is no entry into The Lindens.
- The Lindens will remain as a two way access route
- Egress to the highway will still be able to take place through The Lindens and not all drivers will necessarily use Hayden Mews (the application site) to leave The Lindens.

Amendment made for the purposes of clarification.