

MEETING**HENDON AREA PLANNING COMMITTEE****DATE AND TIME****THURSDAY 17TH SEPTEMBER, 2015****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 Development Management and Building Control	

Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

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HENDON AREA PLANNING COMMITTEE

17 September 2015

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

Order of Business

Item 8: Address should read '60 Uphill Road' and reference number should read 15/04704/FUL

15/04704/FUL
Pages 19-28
60 Uphill Road

Paragraphs 2 and 3 of Informative No. 2, which relates to CIL payments, should be replaced with the following:

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has been assessed at this time as liable for payment under Mayoral and Barnet CIL.

Condition 10 to be amended to:

- a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, and means of subdividing the site, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

The following additional conditions should be added:

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) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations of the dwellings hereby approved.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A-G of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

a) Before the development hereby permitted is first occupied, 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.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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).

15/04283/HSE Pages 57-64 42 Sevington Road, NW4 3RX
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Nature of report:

It is noted that the report starting on page 57 is entitled 'Delegated Report'. For the avoidance of any doubt item 10 is a report to the Hendon Area Planning Committee and should be treated accordingly.

Comments on the application:

The following additional objections have been raised in relation to this application:

- Approval of the development sought would facilitate the subsequent conversion of the property into flats.
- Proposal would lead to additional parking pressure in the area.
- If approved the development would set a precedent.

The above comments are all acknowledged. However, officers consider that in the circumstances of this case these points would not constitute a reasonable basis on which to refuse the application.

Proposed rear dormer window:

For the avoidance of any doubt the rear dormer window proposed is considered to be an acceptable element of the scheme put forward, which would comply with the objectives of the relevant development plan policies. The rear dormer would not be detrimental to the character and appearance of the host property or wider area and would not result in any significant adverse impacts on the amenities of neighbouring occupiers.

Condition 6 on page 53 should be amended to read as follows:

“Before the extensions hereby permitted are first occupied or brought into use the proposed first floor window in the side elevation of the building, the side dormer window and the rooflight, all facing 40 Sevington Road, and the rooflight facing towards 44 Sevington Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut or provided 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).”

<p>15/00750/FUL Pages 29-56 117-125 West Hendon Broadway</p>

The applicant for this application is Pharmchem Investments Ltd.

Amend condition 3 to read:

‘a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition before **it is occupied** and **be** retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the

Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan **2015**.’

Amend condition 4 to read:

‘a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition **prior to first occupation of the building**.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan **2015**.’

Amend condition 5 to read:

‘Before the building hereby permitted is first occupied the proposed first and second floor windows in the south-west elevation facing Esmar Crescent shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut **or provided** 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).’

Amend condition 6 to read:

a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed **at the site** in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such 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 Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

Replace Condition 8

a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011

Amend condition 9 to read

'The development shall not be occupied until car parking is provided **at the site** in accordance with a scheme **that has previously been** submitted to and approved by the Planning Authority. **The approved car parking spaces** shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include provision of disabled car parking spaces for all elements of the development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies polices 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.'

Amend condition 10 to read:

The applicant **shall** submit a scheme showing details of the proposed internal roads layout for approval, including layout and ramp gradient details for internal roads and access to car parks, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and that Heavy Goods Vehicles can turn around within the internal roads. The internal roads submitted details **shall** include specification of carriageway construction to adoptable standards to allow for refuse vehicles to enter the site.

Reason: To ensure the safe form of access to the development to conform to 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.

Amend condition 12 to read:

The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority **prior to commencement**. Such spaces shall be **provided prior to occupation and** 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.

Replace condition 17 with:

The development hereby approved shall not be occupied unless and until a Landscape Management Plan, including details of the long term design objectives, management responsibilities and maintenance schedules for the landscaped parts

of the site (other than for small privately owned domestic gardens) shall have been submitted to the Local Planning Authority and approved in writing. The management of the landscaping at the site shall be carried out in full accordance with the details in the approved Landscape Management Plan.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan 2012 and policy 7.21 of the London Plan

Amend condition 18 to read:

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 2015.

Amend condition 19 to read:

Notwithstanding the details shown on the approved plans, Before the development hereby permitted is occupied, details of the location and details of proposed playspace to be provided shall be submitted to and approved in writing by the Local Planning Authority, showing not less than 88 square metres of playspace area. The development shall be implemented in accordance with these details and they shall be permanently retained thereafter.

Reason: To ensure that playspace is provided on the site in accordance with the Mayor's London Plan.

Amend condition 20 to read:

The whole house ventilation system recommended by the Air Quality Assessment by AMEC, dated January 2015, shall be implemented in its entirety before any of the development is first occupied and retained as such thereafter. Details of the system shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.3 of the London Plan 2011.

Amend condition 21

'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 Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.'

Amend condition 23

a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan **2015**.

Amend condition 24

Before the development hereby permitted is occupied, details of a scheme for the ecological enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details **before occupation** and permanently maintained thereafter.

Reason: To comply with policy DM16 and secure ecological improvements to the site.

Amend condition 25

The development shall not be occupied until a scheme detailing the measures suggested by the Energy Statement **including how carbon dioxide emissions reduction of 34% above a Building Regulations 2013 compliant scheme will be achieved** has been approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and permanently maintained as such thereafter.

Reason: In order for the development to comply with policy 5.2 of the Mayor's London Plan and policy DM04 of the Development Management Policies 2012.

Amend condition 26

a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of details of surface and foul water drainage systems and attenuation capacity.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan **2015**.

Remove condition 30

Amend condition 31

The development shall not be occupied until the proposed amenity areas and car park to the rear of the site are laid out in full accordance with the approved plans.

Reason: To ensure that the proposed amenity spaces and parking areas are provided.

Amend condition 32

Before the development hereby permitted **is occupied** details of the Electric Vehicle Charging Points with 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority. **The development shall be implemented in accordance with these details.**

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

Add condition

Before the development hereby permitted is occupied, details of how the proposed commercial and residential parking areas shall be separated shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with these details and permanently maintained as such thereafter.

Reason: To safeguard highway and pedestrian safety.

Amend recommendation I

3. Affordable Housing - Provision of 7 affordable housing units on the site, split up into the following types:

Affordable Rented Accommodation:

2 x 1 bedroom (2 person)

2 x 2 bedroom (3 person)

3 x 2 bedroom (4 person)

Amended Recommendation III

‘That if the agreement in **recommendation I** has not been completed or a unilateral undertaking **to achieve the same objectives** has not been submitted by 10/12/2015 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 provide on site affordable housing **when such housing can be viably delivered**. The proposal would therefore not provide the maximum amount of affordable housing in compliance with policy DM10 of the Development Management Policies, Supplementary Planning Document: Affordable Housing, and the Planning Obligations SPD (adopted April 2013).’

Amend CiL Informative

The Mayor of London adopted a CiL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a **£74,290** payment under Mayoral CiL.

The London Borough of Barnet adopted a CiL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a **£626,790** payment under Barnet CiL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CiL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CiL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CiL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CiL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and

penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Page 47 Under Land Use add the following paragraph

The proposals have been designed to take into account the fact that part of the corner of the site to West Hendon Broadway may be required for road widening works. This has been designed as an integral part of the scheme.

It is considered that the proposals would not prejudice the implementation of the West Hendon Regeneration proposals.

Page 52 Access

A condition **has been included** to submit a scheme showing details of the proposed internal roads for approval, including layout and gradient of internal roads and access to car parks, undercroft height clearance, swept paths for heavy goods vehicles at both accesses, details of the operation of the access road including proposed barriers.

The internal road layout **has been** designed to ensure that refuse vehicles will be able to stop within 10 metres of refuse collection points.

Page 52 Parking

To clarify, there are now **43 parking spaces for residents (The scheme has been reduced to 43 units) and 4 commercial spaces. Given the reduction in amount of development this revised arrangement is considered acceptable.**

It is also now considered that the development falls below the thresholds that would necessitate a residential Travel Plan.

Page 53

The reference to retained trees should refer to the south-east boundary and not south-west.

15/03894/FUL Pages 73-80 71 Vivian Avenue
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For clarification, the two storey rear extension, first floor side extension and garage conversion were approved under planning permission 15/00299/HSE. The only change between the previously approved scheme and the current application is that the current application includes the provision of a basement level under the entire existing building and the approved extensions. The basement would include light wells forward of the front elevation, and a lightwell to the rear. The proposed light wells to the front would be flush with the ground levels and would appear as discreet features within the street scene. The rear lightwell would not be visible from the front of the site. On this basis, it is not considered that the proposed lightwells would be harmful to the character and appearance of the building or the street scene. Given the depth and siting of the proposed basement, it is not considered to have any detrimental impact on the amenities of the occupants of any neighbouring property.

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