

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 15TH OCTOBER, 2018

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

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ORDER OF BUSINESS

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Pages: 19 - 32

Ref: 19/2798/FUL

16 Lichfield Road, London, NW2 2RE

The following conditions are added to the recommendation:

9. 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 6% 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

10. Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

11. Prior to the first 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 Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

The appeal decision letter in relation to the previous application can be found at the end of the addendum.

Pages: 47-62

Ref: 18/4447/FUL

185 West Heath Road NW3 7TT

Amended plans received to reduce the depth of the top floor.

Amendment to condition 1:

- Proposed Front and Rear Elevations, Drawing No.1801/AP04 **Rev C**;
- Existing Floor Plans, Drawing No.1801/S03;
- Existing Side Elevations, Drawing No.1801/S05;
- Proposed Side Elevations, Drawing No.1801/**AP05 Rev B**;
- Proposed Floor Plans, Drawing No.1801/**AP03 Rev B**;
- Existing Front and Rear Elevations, Drawing No.1801/S04;
- Existing Roof Plan, Drawing No.1801/S02;
- Proposed Roof Plan, Drawing No.1801/**AP06 Rev A**;
- Proposed Site Plan, Drawing No.1801/AP02;
- Proposed Block Plan, Drawing No.1801/**AP01 Rev B**;
- Existing Location and Block Plan, Drawing No.1801/S01.
- **Comparison Plan, Drawing No.1801/AP07 Rev A.**

Additional condition:

a) No development other than demolition works shall take place until details of the proposed car lift 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 details as approved under this condition.

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 2016.

Pages: 91- 107

Ref: 18/3403/FUL

Rear Of 147 Cricklewood Lane, London, NW2 2EL

The recommendation shall be amended to Approve subject to Section 106 and the beginning of the report should read:

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. 3. Highways (traffic order) £2,022.00
"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."
4. Monitoring of the Agreement £100.00
"Contribution towards the Council's costs in monitoring the obligations of the agreement."

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

Recommended conditions as per report.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31/01/2019, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Pages: 109 - 136

Ref: 18/2492/FUL

1-5 Princes Parade, Golders Green Road and 1 -3 Heather Gardens, London, NW11 9HS

Since the publication of the committee report, a further two letters of objection have been received. They can be summarised as follows:

- Insufficient parking spaces;
- Increase in parking pressure;
- Unnecessary to demolish buildings at 1-3 Heather Gardens;
- No Provision for the delivery of the shop goods;
- Proposed apartments are too small and congested;

- 5 storey building will be out of line with the current buildings and look completely out of place.

The following condition are amended:

Condition 20:

Before the building hereby permitted is first occupied, in addition to the windows identified for obscure glazing on drawing nos. 11186/ 09 D, 11186/10 B and 11186/ 11 B, all the windows on the first and second floors along the south-western elevation facing No.5 Heather gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be fitted with restrictors to limit the opening to 100mm (for ventilation purposes)

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 October 2016).

Pages: 137-166

Ref: 18/4689/FUL

Rear Of Sage Court, 200-210 Golders Green Road, NW11 9AQ

The recommendation (Page 137) shall be amended to Approve subject to Section 106 and the beginning of the report should read:

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. 3. Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan - £5000
4. A contribution towards the removal and replacement of a street tree - £2,994.00 plus VAT for replacement tree and all associated costs for removal and planting £720.00 plus VAT.
5. A contribution of £500 (index linked) towards the monitoring and management of the S106 planning obligations

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

Recommended conditions as per report.

RECOMMENDATION III:

1. That if an agreement has not been completed by 15/12/2018 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/4689/FUL under delegated powers for the following reasons:
 1. The proposed development does not include a formal undertaking to produce a full Travel Plan and meet the associated monitoring costs of the Travel Plan. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
 2. The proposed development would result in the loss of a street tree without any adequate replacement to the detriment of the amenity of the area contrary to Policy DM01 of the Development Management Policies DPD (2012).

One additional letter of support was received with the following comments:

“It will be of huge benefit to the local community. I feel that the local objectors have groundless fears about the nature of the project, which will not cause any harm but will be of significant benefit.”

Pages: 167-180

Ref: 18/3970/FUL

176 Golders Green Road, NW11 8BB

Amendment to consultation responses:

5 letters of objection were received although 1 of these had 6 signatories.

Pages: 223-248

Ref: 18/4405/FUL

22 & 24 Dollis Avenue, London, N3 1TX

One additional objection has been received and is summarised below:

- Description of building as two storey is incorrect- the building is four storeys;
- No changes have been made compared to the refused application;
- Overdevelopment;
- Bulk and massing;

- Detrimental to the appearance of the streetscene/ impact on character;
- No tree survey provided;
- A construction method statement has not been provided in relation to the structure;
- No site-specific details relating to groundwater or monitoring results, surface water or SUDS provided;
- Siting of basement in relation to site is unclear;
- Overlooking into side and rear gardens;
- Loss of light and overshadowing;
- Loss of outlook/ overbearing impact;
- Loss of garden;
- No affordable housing units.

Pages: 249 - 272

Ref: 18/3188/FUL

4 Granville Road, N12 0HJ

The recommendation (Page 249) shall be amended to Approve subject to Section 106 and the beginning of the report should read:

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. A contribution towards local park improvements in the locality - £1250

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

Recommended conditions as per report.

RECOMMENDATION III:

1 That if an agreement has not been completed by 15/12/2018 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/3188/FUL under delegated powers for the following reasons:

1. The proposed residential units would fail to provide adequate outdoor private amenity space which would be detrimental to the residential amenities of the future occupiers of the proposed units contrary to Policy 3.5 of the London Plan (2016), policies DM01 and DM02 of the Development Management Policies DPD (2012) Sustainable Design and Construction SPD (Adopted October 2016) and Residential Design Guidance SPD (Adopted October 2016).

Condition 22

Condition 22 shall be amended following Legal advice to read as follows:

“a) Within 4 months of commencement of the development, a scheme relating to the community facility shall be submitted to and approved in writing by the Local Planning Authority, detailing the following:

- i) Details of marketing, including price, of the community space
- ii) Details of fitting out of the community space to include finishes to walls, ceilings and floors, a kitchen, WCs, storage space, provision of all services
- iii) A timetable to secure implementation of the features listed in ii) above.

b) Within 2 months of receipt of written approval from the Council to Implement, the scheme shall be implemented as approved by the Council.

c) The details approved under ii) shall be retained for the life time of the development.

Reason: To ensure that the development provides a suitable and viable community facility in accordance with Policy DM13 of the Adopted Barnet Development Management Policies DPD (2012).”

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Appeal Decision

Site visit made on 27 February 2018

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2018

Appeal Ref: APP/N5090/W/17/3190950

16 Lichfield Road, Cricklewood, London NW2 2RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Gabriella Marino against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/4186/FUL, dated 29 June 2017, was refused by notice dated 29 August 2017.
 - The development proposed is to convert ground floor shop to residential and erect second floor side extension and loft conversion to enlarge 1no existing flat and form new flat within loft.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: (i) highway safety on Lichfield Road, with regards to the proposed parking arrangement; and (ii) the character and appearance of the host property and the surrounding area.

Reasons

Highway safety

3. The appeal site offers no off-street car parking. Both sides of Lichfield Road are used for on-street car parking. Vehicles park half on, half off the footway. A number of residential properties on Lichfield Road to the north-east of the appeal property have off-street car parking provision for one or two vehicles. I understand the site is on the edge of, but outside of, Controlled Parking Zone's (CPZ) in the London Boroughs of Barnet and Camden. Due to the site's proximity to Cricklewood railway station and a number of bus routes, the site has a Public Transport Accessibility Level (PTAL) of 5. These services can be accessed using lit footways on either side of the road.
4. One off-street car parking space is proposed. The Council consider that two to three spaces are required. However, the appellant accepts that the proposal should provide two off-street car parking spaces, having regard to the PTAL level. In any event, the proposed parking provision does not accord with the standards found in Policy DM17 of Barnet's Local Plan (Development Management Policies) Development Plan Document (Local Plan). This policy sets out that residential development may be acceptable: with limited or no parking outside a CPZ but only where it can be demonstrated through a survey

that there is sufficient on street parking capacity. Before turning to the appellant's Parking Stress Survey (PSS), 2011 Census Data indicates that 57% of residents in flats do not have ownership of a car, with 36% of flat residents owning one car and with only 6% having two cars per household.

5. Despite this, the PSS shows, despite the level of daytime parking in the area, a high level of parking stress on Lichfield Road, Westcroft Way and Marnham Avenue during evening hours when typically most residents are at home. Thus, residents do use vehicles despite the PTAL level. The high level of parking stress is also at a time when the existing retail store would be closed, thereby negating any potential trade-off of parking demand. While, parking was not as subscribed in Westcroft Close, signs indicate that the close is limited to private parking and is the subject to permits. Hence, despite on the availability of five spaces on both of the surveyed evenings, the availability of these spaces on a day-to-day basis is far from certain. Given the high use of the west side of Lichfield Road between Cricklewood Road and Westcroft Close, it is reasonable that residents would look to use the limited availability on the east side of the road or the similar limited availability on other roads nearby.
6. Consequently, vehicles associated with the proposal would add to the demand for on-street car parking in an area already well-used. Thus, not every vehicle is likely to be accommodated during the evening when the majority of residents are at home. This would result in overspill parking on the nearby highway network and potentially lead to problems such as: restricted views for drivers and pedestrians; visibility at junctions due to parked vehicles; obstruction of crossovers; and obstruction of emergency service vehicles and buses. The cumulative effects on the safety of highway users could, as a result, be severe.
7. Consistency in decision-making is needed. However, the scheme at 14 Lichfield Road (Ref: 17/3880/FUL) met the requirements of Local Plan Policy DM17, and the evidence before me also indicates that the units inside No 14 are not the same as those proposed.
8. I conclude that the proposal, on this issue, would significantly harm highway safety on Lichfield Road, with regards to the proposed parking arrangement. As such, the proposal would not accord with Policy CS9 of Barnet's Local Plan (Core Strategy) Development Plan Document (Core Strategy), Local Plan Policy DM17 and paragraph 32 of the National Planning Policy Framework (the Framework). Together, these seek, residential development to provide parking in accordance with the standards, unless it can be demonstrated that there is sufficient on street parking capacity to ensure that the local road network operates safely to prevent severe effects.

Character and appearance

9. The appeal property is at the end of a high storey high terrace with a hipped roof. The hipped roof drops down to a flat roof above a two storey side extension. This extension is not set back from the front elevation. A variety of extensions, including dormer windows, are to the rear of the terrace. To the south-east is a two storey high terrace. The surrounding area is characterised by development with a varied character and appearance.
10. Properties in the terrace display a regular width. The appeal scheme would not accord with this regular width, especially given the use of a sole entrance door. Even so, the position of the flank elevation on the ground and first floors would

not change. Moreover, the proposed ground floor bay window and the first and second floor window openings would help assimilate the side extension into its context and improve the character of the terrace, especially given the removal of the existing shop front and its front extension.

11. The Council are concerned with the lack of subordination. However, the Supplementary Planning Document: Residential Design Guidance (RDG) does express that this is done 'normally' rather than universally. The proposed side extension would not be set back from the front elevation. However, despite the additional floor and the extended roof form, the proposal would result in a more harmonious appearance compared to the existing extension. As such, notwithstanding the visibility of the extension from Lichfield Road and neighbouring residential properties, it would respond to the distinctive local building forms and respect the scale, massing and height of the surrounding physical context, especially the terrace which it would form part of. The extension does not therefore need to be subordinate on this occasion.
12. The rear extension would be subordinate to the host property. While a flat roof form would be used, this would lessen its bulk. The extension would also be set in from the flank elevation of the property, thereby limiting its effect on the character and appearance of the surrounding area when viewed from the road, Marnham Avenue and Westcroft Way. Even though it would be visible from adjoining residential properties, the extension would be viewed against the backdrop of the terrace and a number of rear extensions. This part of the scheme would not therefore harm the character and appearance of the host property or the surrounding area.
13. I note the parties refer to an enforcement case about the shop, but I have considered the proposed development on its planning merits.
14. While the proposal would not reflect the width of neighbouring properties in the terrace as sought by the RDG, this conflict is outweighed for the reasons that I have set out above. I therefore conclude, on this issue, that the proposal would accord with Local Plan Policy DM01, Core Strategy Policy CS5 and the RDG; which mutually seek high quality design that respects local context and distinctive local character in terms of appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Conclusion

15. I have found no harm from the appeal scheme in relation to character and appearance. This does not outweigh, however, the harm that I have found in relation to the scheme's impact upon highway safety.
16. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

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