

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 21ST JANUARY, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Cllr Maureen Braun

Vice Chairman: Cllr Brian Gordon

Councillors

Sury Khatri Gill Sargeant Claire Farrier

Hugh Rayner Agnes Slocombe

Substitute Members

Mark Shooter Helena Hart Charlie O'Macaulay

Val Duschinsky Dr Devra Kay Zakia Zubairi

Tom Davey

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

Andrew Charlwood – Head of Governance

Governance Services contact: Sheri Odoffin sheri.odoffin@barnet.gov.uk 020 8359 3104

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	1 - 4
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	PUBLIC QUESTION AND COMMENTS (IF ANY)	
5.	MEMBERS' ITEMS (IF ANY)	
	Colindale Ward	
6.	North Land Of Garrick Estate Garrick Industrial Centre Irving Way	5 - 28
	Hendon Ward	
7.	61 - 63 Parson Street London NW4 1QT	29 - 38
8.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

9 December 2015

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)
Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri
Councillor Hugh Rayner

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

RESOLVED that the Minutes of the previous meeting held on 4 November 2015 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None received.

3. REPORT OF THE MONITORING OFFICER

None

4. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Councillor Khatri declared a non pecuniary interest in item 5 on the agenda, 3 Abbey View, on the basis that he has met the planning applicant. He would however be in a position to vote.

The Planning Committee Chairman, Councillor Braun, declared a non-pecuniary inters in item 6, 1 Newark way on the basis that she has met Dr P Evans who was objecting to the application at her neighbour's address. She stated that she will vote on the matter.

5. MEMBERS' ITEMS (IF ANY)

None.

6. PUBLIC QUESTION AND COMMENTS (IF ANY)

Dr Patricia Evans submitted a written public comment in relation to item 8 on the agenda – 1 Newark Way, and spoke further on the matter. Members asked questions following the comment which were then answered by Dr Evans.

7. 1 NEWARK WAY LONDON NW4 4JG

The Committee heard a representation from Mrs Michaels in support of the application.

The committee noted the report addendum. Following presentation of the report, the committee **RESOLVED TO APPROVE SUBJECT TO CONDITIONS** outlined in officer report.

Votes were recorded as follows:

In favour: 4

Against: 2

Abstentions: 1

8. 1 RECTORY LANE EDGWARE HA8 7LF

Committee heard a representation from Dr Marsh on behalf of Linda Edwards, the applicant.

Following the planning report presentation, Committee **RESOLVED TO REFUSE** the application in accordance with recommendation and a minor amendment removing the text "and Station Road" after "old Rectory Gardens".

Votes were recorded as follows:

In favour: 6

Against: 0

Abstain: 1

9. GROUND FLOOR FLAT 3 SIMON COURT 4 NEELD CRESCENT LONDON NW4 3RR

The Committee heard oral objections from Ms T De Peon and Mr Davila.

Following the presentation of the planning report, the Committee **RESOLVED TO REFUSE** for the reasons outlined below:

The proposed extension would, by reason of its design, size, siting and bulk represent a disproportionate addition which is not subordinate and would be detrimental to the character and appearance to the host property contrary to policies CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies (2012), policies 7.4 and 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013)

Votes were recorded as follows:

In favour: 3

Against: 4

Abstentions: 0

10. MULBERRY CLOSE LONDON NW4 1QL

Following presentation of the report, the committee **RESOLVED TO APPROVE SUBJECT TO CONDITIONS** outlined in officer report.

Votes were recorded as follows:

In favour: 6
Against: 0
Abstentions: 1

11. JOHN KEBLE CHURCH DEANS LANE EDGWARE HA8 9NT

Following presentation of the planning officer report, committee **RESOLVED TO APPROVE** in accordance with officer recommendations in the report.

Votes were recorded as follows:

In favour: 7
Against: 0
Abstentions: 0

12. 3 ABBEY VIEW MILL HILL LONDON NW7 4PB

Committee heard objections from Mrs Crowne.

Following presentation of the officer's report, committee **RESOLVED TO APPROVE** in accordance with the officer report recommendations and one additional condition as follows:

a) No development or site works shall take place on site 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

Votes were recorded as follows:

In favour: 5
Against: 1
Abstentions: 1

13. 30 - 32 THIRLEBY ROAD LONDON NW7 1BQ

Following presentation of the officer's report, the committee **RESOLVED TO APPROVE** in accordance with officer conditions in the report.

Votes were recorded as follows:

In favour: 6

Against: 1

Abstentions: 0

14. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9.33 pm

Location **North Land Of Garrick Estate Garrick Industrial Centre Irving Way
London NW9 6AQ**

AGENDA ITEM 6

Reference: **15/04144/FUL**

Received: 3rd July 2015

Accepted: 6th July 2015

Ward: Colindale

Expiry 5th October 2015

Applicant: Ropemaker Properties Limited

Proposal: Erection of 2 no. two storey B1 (Business), B2 (General Industrial) and B8
(Storage and Distribution) units, including 45 no. new parking spaces, cycle
storage and associated works

Recommendation: Approve subject to s106

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. A requirement that the applicant shall enter into a Strategic Travel Plan that seeks to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion.
4. A contribution of £25,000 towards the monitoring of the Travel Plans for the development.
5. Secure a Stopping Up of the existing public highway within the site under TCPA Section 247.
6. The applicant to provide commitment to construct a new turning head to replace the existing being replaced by the proposed development to adoptable standards and to offer newly constructed turning head for adoption under S38 of the Highways Act.
7. Associated works on public highway to further the development to be carried out under S278 of the Highways Act.
8. A contribution of £1500 towards the monitoring of the S106 agreement.

RECOMMENDATION II:

That upon completion of the agreement the Service 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:

05369_MP_00_0000 Existing Site Location Plan
05369_MP_00_0200 Proposed Site Location Plan
05693_MP_00_0201 Proposed Site Plan
05369_B1_02_2200 Proposed Ground Floor Plan Unit 25
05369_B1_02_2201 Proposed First Floor Plan Unit 25
05369_B1_02_2202 Proposed Roof Plan Unit 25
05369_B1_04_2200 Proposed East Elevation Unit 25
05369_B1_04_2201 Proposed West Elevation Unit 25
05369_B1_04_2202 Proposed North Elevation Unit 25
05369_B2_02_2200 Proposed Ground Floor Plan Unit 26
05369_B2_02_2201 Proposed First Floor Plan Unit 26
05369_B2_02_2202 Proposed Roof Plan Unit 26
05369_B2_04_2200 Proposed West Elevation Unit 26
05369_B2_04_2201 Proposed North Elevation Unit 26
05369_B2_04_2202 Proposed South Elevation Unit 26
05369_B2_04_2203 Proposed East Elevation Unit 26
05369_B1_05_2200 Existing/Proposed Section BB Unit 25
05369_B2_05_2200 Existing/Proposed Section CC Unit 26
05369_B2_05_2201 Proposed Section DD Unit 26
Design and Access Statement

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 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 and 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.

4 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.

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.

5 a) No development other than demolition works shall take place until details of the proposed green walls have been submitted to and approved in writing by the Local Planning Authority.

b) The green walls shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of

the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

7 Part 1

Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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.

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.

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 Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

8 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall 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 content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced 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 Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

9 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.

10 Part 1

Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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.

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.

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 Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

11 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with a revised parking layout drawing to be submitted following of resolution of Stopping Up of existing public highway and provision of new turning head to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved 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 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.

12 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include for the provision of 20% active and 10% passive parking spaces with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

13 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles 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 which in turn refers to London Plan Parking Standards.

14 Prior to occupation of the development shower facilities shall be provided to encourage the use of cycling as an alternative mode of transport in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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 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.

15 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

16 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety 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.

17 Prior to the commencement of the development hereby approved, details of the existing public highways affected by the proposed development to be stopped Up under

Section 247 of the Town and Country Planning Act shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate public access is provided throughout the development.

18 Prior to the commencement of the development, details of the revised public highway to provide turning head for commercial vehicles to replace the existing turning head junction(s) between the proposed service/access road(s) and the highway shall be submitted to and approved in writing by the local planning authority; and the development hereby approved shall not be occupied until the turning head has been constructed in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway and pedestrian safety 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.

19 Prior to the units being brought into use in accordance with the hereby approved plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

20 a.) Prior to the units being brought into use as a commercial bakery (unrestricted operation hours) in accordance with the hereby approved plans, a Delivery Management Plan expanding upon the principles as outlined in the draft Delivery Management Plan, to be 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 and reviewed after a 3 month period. The applicant shall submit a statement for review after 3 months of implementation for assessment.

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.

21 The units shall be used for any other use within B1/B8 Use Class and should not operate at any time on Sundays, Bank or Public Holidays, or before 5am or after 11pm on any other day.

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.

22 a) The non-residential development is required to meet the BREEAM very good; level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

23 a.) Prior to the commencement of the development details comprising a scheme of mitigation measures to protect the biodiversity and ecology at and adjacent to the site expanding upon the principles outlined in the Phase 1 habitat survey shall be submitted the Local Planning Authority and approved in writing.

b.) The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

24 a.) Prior to the commencement of the development details comprising a scheme of measures to enhance and promote biodiversity at the site expanding upon the principles outlined in the Phase 1 habitat survey shall be submitted the Local Planning Authority and approved in writing.

b.) The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

25 a.) Prior to the commencement of the development details comprising a scheme of the removal of the Japanese Knotweed shall be submitted the Local Planning Authority and approved in writing.

b.) The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

26 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 side elevation of unit 26 or unit 26 facing the rear of 2-36 Colin Drive or the side elevation of 178 Colin Gardens.

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).

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 04/03/2016 , 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 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 does not include a formal undertaking to undertake necessary highways works. 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).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The applicant is advised that Wilberforce Road is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00am-9.30am & 4.30pm-6.30pm Mon-Fri. Careful consideration must also be given to the optimum route(s) for construction traffic. Please contact Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555 for further advice.
- 4 The applicant is advised that any alterations if required to the existing waiting and loading restrictions on public highway as a result of the proposed development will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 5 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for approval. Any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway.

To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 6 The applicant is advised that prior to carrying out any construction works on public highway trial holes must be carried out in order to locate and to identify the cover depth of all existing services affected by the proposed highway works. Prior to excavating the trial holes the applicant is advised to contact the highway's Development Control Section in order to arrange a site meeting and agree the location of the proposed trial holes and to ensure that a Council's Highway Engineer is present to witness the trial holes and record the cover depths of all services exposed. The application for the proposed highway works will only be registered for processing once the trial holes have been carried out on site in the presence of a Highway Engineer. The applicant will require a work permit licence from the Council prior to carrying out any trial holes on public highway. The address and contact details for the Development Control Team is as follows.

Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 7 The applicant is advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular access in accordance with the Manual for Streets.

- 8 Please note that aside from planning permission, any works within 8m of the watercourse may also require consent for works under the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. For further information the applicant should contact a Flood Risk Officer on 01707 632419.

Officer's Assessment

1. Site Description

Garrick Industrial Centre and Connaught Business Centre which is identified in Barnet's Development Management Plan Policies as a Locally Significant Industrial Site which is a total of 2.3 hectares in area.

The industrial estate is located to the west of Hendon town centre. It is accessed via Irving Way and Garrick Road, which directly connects with the A5 (Edgware Road/West Hendon Broadway).

The existing Estate currently provides a total of 291 marked car park bays, including 2 disabled parking spaces.

The site falls outside of the West Hendon Regeneration Area. There has been a historic application for a sub-station to serve the regeneration area within the application site, however, this is not considered to be necessary any longer.

2. Site History

Reference: H/01508/08

Address: Unit 21, Garrick Industrial Centre, Irving Way, London, NW9 6AQ

Decision: Approved subject to conditions

Decision Date: 7 August 2008

Description: New loading canopy to rear of unit with acoustic screen. Ventilation louvre in side elevation. Fire exit door in side elevation. Variation of conditions 6 and 7 of planning permission W01406DJ/08 dated 28/03/08 to allow 24 hour usage of the site (AMENDED DESCRIPTION)

W16162/07 - 'Erection of a new primary sub-station and compound' - approved April 2008; and

H/01185/11 - 'Extension to the time limit for implementing planning permission W16162/07 dated 09/04/08 for "Erection of new primary sub-station and compound" - approved May 2011.

3. Proposal

The application relates to the erection of 2 no. two storey B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) units, including 45 no. new parking spaces, cycle storage and associated works.

The application is for the creation of two new commercial units on Land to the North of the existing Estate which will create an additional 3,020 sqms GIA floorspace within flexible B1, B2 (food processing) and B8 uses. This will create new units as follows:

- Unit 25 - 1,604 sqms GIA; -
- Unit 26 - 1,416 sqms GIA. A stand-alone B1 / B2 / B8 unit within the Estate

The Bread Factory located on the site currently occupies six units on the Estate and has interest in occupying the new unit 25. However, at this stage this has not been confirmed and as such the applicant does not wish to have a specific user listed.

Should the Bread Factory take on one or both of the units it is proposed that in order to accommodate The Bread Factory's business model, the Units would need to be operational on a 24 hour basis consistent with its operations elsewhere on the Estate.

4. Public Consultation

Consultation letters were sent to 97 neighbouring properties.

12 responses have been received, comprising 11 letters of objection, 1 letter of support and 0 letters of comment.

The objections received can be summarised as follows:

Environmental impact on neighbouring properties: increased noise, air pollution, increased dust, general disturbance, odour.

Noise from associated working including clattering of trolleys, general noise from operations, vehicle noise, stereos being played.

Loss of amenity of neighbouring properties - loss of privacy, overbearing development.

Impact of the new buildings and associated high wall on the aesthetic environment of surrounding residential properties.

Noise levels are already high when workers are working late. The proposal will aggravate the situation.

Wall can only lower the noise level not remove/prevent interference.

Impact of lighting on neighbouring properties.

Loss of trees will result in the loss of the buffer zone. Loss of trees will also result in the loss of green views and soft landscaping.

Increased traffic.

Increased chance of vermin due to location of waste storage.

Disturbance to sleep pattern.

Impact on peaceful use of gardens.

Workers converse very loudly and using obscene language almost shouting without having any consideration for the nearby residents whether this is during the day or night the noise levels are

Clean Air Act 1956 which introduced the Smoke Control Areas which Barnet is part of, currently the Garrick estate has the Bakery in which the level of smell and pollution constitutes a big hazard for our properties making the air smelly and polluted, the proposed car park will be right at the back of our property this will involve trucks and lorries coming in and out not to mention the normal cars, this will be very polluted with the car fumes and emission also from our experience with the bakery the lorries and trucks leave their engines running throughout the night while loading and unloading, this will be very detrimental to our health inhaling those fumes all day and night as well.

The commercial units are not in scale with the residential properties.

Overlooking.

Does not comply with the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

Loss of light - lighting assessment recognises there will be an impact.

Increased fire hazard.

Japanese knotweed is an existing problem.

Increased security risk

Local overcrowding.

Impact on property prices.

Commercial gain should not outweigh impact on neighbouring residents.

Trees along railway were cut a while ago which left properties more vulnerable to noise and pollution from M1 and railway.

Environment Agency - No objections. The plans show that access to the watercourse will be available following the development. It is imperative that this access is maintained for future inspections and maintenance.

Thames Water - No objections. Applicant is advised that separate consent would be required from Thames Water for works close to the public sewerage. The applicant is advised to contact Thames Water directly.

Traffic and development - No objections subject to conditions and S106 agreement

Environmental health - No objections subject to condition, in particular relating to a management plan for any proposal that will involve an expansion of the 24 hour operation of the site.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Principle of use

Policy DM14 of the Development Management Plan Policies indicates that new industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas. Proposals for new employment space will be expected to provide on site servicing for the intended use and include space for waiting for goods vehicles.

The existing Garrick Industrial site is an established warehouse site and as such the principle of the use is considered to be acceptable and would comply with the policy requirements of CS1 of the Core Strategy and DM14 Development Management Plan Policies. The provision of B1, B2 and B8 uses in this location is therefore considered appropriate.

Principle of new units

Character and appearance

The site is currently an industrial estate with large industrial units covering the associated with associated hardstanding to provide parking for the users of the site. The proposed units in terms of design, bulk, height and scale are considered to be comparable in regards to the existing units and is considered to be appropriate within its context.

The proposal will in part build on an existing strip of greenspace that currently exists between the industrial estate and the residential properties. It is not considered that the loss of some green space in this location, which is not publically accessible, will be detrimental to the character of the area.

Amenity of neighbouring residential properties

Two new industrial units are proposed to the north of the site adjacent to Colin Drive referred to as Unit 25 and Unit 26 both new units will be connected to existing units on the site.

Unit 25 will be sited to adjoin Unit 21 which is currently occupied by The Bread Factory. Unit 25 will be sited closest to 2 - 10 Colin Drive and the side elevation of 178 Colin Gardens. The proposed unit is sited approximately 19.3m from the existing boundary at the rear of Colin Drive. A distance of approximately 2.5m is maintained between the existing boundary of the residential units and the new acoustic fence. A distance of approximately 34.5m is proposed between the ground floor projection of 2 Colin Drive and the new unit.

A distance of approximately 20m is provided between the side elevation of 178 Colin Gardens and unit 25 is maintained.

The existing landscaping bund will be excavated so the building will be built on a lower ground level than currently exists between the site and Colin Drive. The eaves height of the unit will be approximately the same as the eaves height of the residential properties. Given the distance maintained and the overall height

Unit 26 will be sited closest to properties 16-32 Colin Drive which back on to the site. The unit (26) is sited approximately 31m from the main rear building line of the properties that back on to the site and approximately 9.5m from the existing rear boundary treatment in the form of a metal fence. Both units will be two storeys in height with a shallow pitched roof. As existing there is an existing landscaping bund which separates the application site to the rear gardens of the residential properties. As part of the development this bund will be removed and the levels will be excavated to set the proposed buildings lower into the application site. The eaves of the new building will align approximately with the eaves level of the residential properties. Given the distance maintained between the residential properties, the distance between the gardens and the lowering of the ground levels, it is considered that the proposed unit is acceptable in terms of the impact on the residential amenities of the neighbouring properties.

No windows in the elevations facing towards Colin Drive and Colin Gardens are proposed, this will be maintained as such and secured by way of condition.

A green wall system has been proposed to provide a softer view of the new unit and to mitigate against the loss of the trees currently forming part of the boundary between the application site and residential street.

An acoustic fence is to be incorporated to mitigate against noise disturbance to the residential properties backing on to the site. This will be set approximately 1.6m from the existing fence which is being maintained. The acoustic fence is to be of a similar height to the existing boundary behind the residential properties. As such the fence itself is not considered to result in a visually obtrusive or overbearing feature when considered from the residential units and the associated rear gardens.

Staff parking is proposed along the boundary of the site, however, this will be set below the height of the existing fence and proposed acoustic fence and as such there will not be an visual amenity issue of vehicles parking along this boundary. The noise impact of the parking spaces is covered in the next section of the report.

Environmental health considerations

An acoustic fence is proposed to mitigate against noise and disturbance generated by the proposal. The acoustic fence will measure 2.5m but will be set on higher land than the ground level of the new unit. From the ground level of the new unit the built up land and associated acoustic fence will have a height of 4m to attenuate noise omitted from vehicles in this part of the site. Following discussions with the agent it has been confirmed that in the event the units are occupied by The Bread Factory that most of the vehicles which will serve the proposed Units are non-refrigerated light Luton vans (e.g. light goods vehicles of 2.5 tonnes) and although rare, the largest vehicle anticipated to be used would be a 16.5m vehicle (3.87m high) (and to be clear, this is not a HGV but is the maximum size of an LGV). Aecom (noise consultants) has subsequently confirmed that the height of the acoustic barrier at 2.5m (approximately 4.07m including the raised ground) will effectively mitigate noise generated by vehicle engines (which are located at a height of approximately 1m and represent the main source of noise in the case of non-refrigerated vehicles).

The fence will be of similar height to the existing boundary fence that runs along the rear of Colin Drive, as such the introduction of this is considered to help minimise the impact of noise from the expansion of the existing industrial site.

The end users of the new units has yet to be confirmed, on the basis that the bread factory wish to occupy either of both of the units a draft delivery management plan has been submitted to control the 24 hour operation of the site. This will be secured by way of condition and assessed after a 3 month period to allow for the council to monitor and amend the operation of the units if and when required to protect the amenities of the neighbouring residential occupiers.

As part of the delivery management plan the use of the proposed parking spaces which line the rear boundary with Colin Drive will be monitored and reviewed after a 3 month period. Also suggested within the Delivery Management Plan is that these uses will be kept to a minimum between 9pm - 7am this will be reviewed to consider whether further measures to prevent parking of vehicles in these spaces is required.

Deliveries to unit 25 will be predominately carried out through the existing unit 21, deliveries between 9pm and 7am will be carried out by light vehicles only. Further details will be provided in the full delivery management plan to be submitted and required by way of condition.

The environmental health team have not raised any issues in regards to air pollution or odour control for the site.

Traffic and parking

The applicant has confirmed that currently, the following staffs are employed at the exiting unit over the course of a typical weekday:

- o Morning shift: 15 employees working from 0500 - 1300 hours
- o Mid shift: 15 employees working 1300 - 2100 hours
- o Night shift: 15 employees working 1700 - 0100 hours

The extension of the unit is likely to result in the following additional number of staff being employed over the course of a typical weekday:

- o Morning shift: 18 employees working from 0600 - 1600 hours
- o Night shift: 22 employees working 1600 - 0300 hours

Therefore the consultants have stated in the Transport Assessment that the proposed extended unit is not expected to generate any additional arrivals or departures during the typical Weekday AM and PM peak hours, 0800 - 0900 hours and 1700 - 1800 hours respectively.

Notwithstanding the above, it is recognised that the proposed extended unit is predicted to generate an additional 18 employees departing the site between 1600 - 1700 hours. Therefore, the analysis has been based on a Weekday PM Peak hour of 1600 - 1700 hours.

The proposed development is divided in two distinct areas. The first area is situated to the north of existing units and includes part of the existing car park as well as a low quality landscape bund beyond. The second area, situated between Units 17 and 18 to the south of Unit 18, has been identified for additional parking provision to serve the Estate.

Parking Provision:

It is proposed that any loss of existing parking provision will be replaced in addition to the parking proposed for the new units.

With the proposed development in place, a total of 336 marked car park bays will be provided at the Estate including the additional 45 parking spaces.

The proposed additional 45 car park spaces includes the provision of 5 disabled spaces, 5 enlarged standard spaces to cater for potential future provision of disabled spaces and 10 electric vehicle charging bays. The disabled and enlarged standard spaces are located in areas convenient to the building entrances.

Cycle Parking Provision:

18 cycle parking spaces are proposed.

Vehicular Access:

The vehicular access to the various units on the Estate is from Irving Way from several access junctions, each serving separate areas of car parking.

Irving Way effectively forms the spine road within the Estate and forms the minor arm of a simple three-arm priority junction with Garrick Road / Wilberforce Road.

The proposed alteration to the existing highway is likely to require Stopping Up of the existing public Highway under the TCPA section 247.

The applicant also needs to make alternative provision for the turning head for vehicles including the HGVs. The turning head will need to be constructed in accordance with the Council's adoptable standards and to be offered for adoption under S38 of the Highways Act.

Electrical Vehicle Charging points:

10 Electric Vehicle Charging points (EVCP's) are proposed for the proposed development.

A condition will be applied to secure the provision of EVCPs.

Public Transport Accessibility Levels (PTAL):

The Public Transport Accessibility Levels (PTAL) which are graded from 1 for poor accessibility to 5/6 for excellent accessibility. The PTAL assessment of the site is shown as 2 which considered as medium to poor.

Public Transport:

The site is served by bus routes 32, 83, 142, 183, N5 and N16 within the walking distance of the site. The site is also served by school buses 632 and 683.

Underground Train Station:

The nearest Underground Station to the development site is Hendon Central Station and is located at a distance of approximately 1.8km.

National Railway Network:

The nearest railway service to the development site is from Hendon Railway Station and is located approximately 750m south of the proposed units.

Transport Assessment (TA):

The consultants Mayer Brown were appointed to provide advice of Transport Assessment.

Trip Generation:

Existing Trips:

A Travel Questionnaire (TQ) was issued to the staff at the existing Bread Factory units to ascertain the travel modes of the staff as part of the proposed Travel Plan.

The following Mode Split for Travel was identified from the survey:

- o Car driver on your own - 20%
- o Car share with other staff - 6%
- o Car share with someone else / drop off (not staff) - 1%
- o Bus - 40%

- o Walk - 11%
- o Cycle - 3%
- o Motorbike - 1%
- o Train - 11%
- o Underground - 7%
- o Taxi - 0%
- o Other - 0%

The consultants have considered it reasonable to assume that the new employees at the unit will travel to work will have similar modal split as the existing staff. However, in order to provide a robust assessment they have assumed that all 22 night shift staff working 1600 - 0300 hours would travel by car. Therefore, the modal splits shown above have only been applied to the proposed 18 new staff working 0600 - 1600 hours.

Predicted Trips:

The consultants have confirmed that the extended unit is expected to generate only very few (if any) traffic movements associated with visitors. Additionally, as advised earlier in this TA, the extended unit is not expected to generate any additional service vehicle movements.

The predicted additional vehicle movements associated with the proposed extended unit is likely to generate a total of 171 additional two-way daily vehicle movements. During the Weekday AM (0800 - 0900 hours) and PM (1600 - 1700 hours) peak hours, the proposed development is predicted to generate a total of 12 and 18 additional two-way vehicle movements respectively which equate to one additional vehicle approximately every five and three minutes during the Weekday AM and PM peak hours respectively and therefore is unlikely to have any additional impact on the local highway network.

However, the development is predicted to generate a total of 33 two-way trips between 1500 - 1600 hours. Whilst this represents the development peak hour, it is outside of typical network and assessment peak hours therefore has no material impact on the highway network.

Car Park Utilisation:

The consultant have demonstrated that the maximum utilisation of the car park with 45 parking spaces occurs for only a single hourly period with the use of 40 spaces at around 15.00 hrs and that throughout the course of the majority of the day, car park utilisations associated with the development are expected to be in the general range of 20 - 25 spaces. The parking provision of 45 parking spaces is acceptable as the parking requirements for the proposed development can be accommodated within the proposed development.

Servicing:

The applicant has confirmed that the existing Bread Factory units typically receive approximately 4 to 5 deliveries during the busiest hourly period and that the proposed extended unit will not directly generate any additional servicing movements.

However, the consultants were advised by the applicant that the largest anticipated vehicle that could be used to serve both the extended and the new unit is a 16.5m long articulated lorry.

The consultants undertook an Autotrack assessment for the 16.5m articulated vehicle as part of TA which demonstrated that the vehicle can access and egress the proposed new units satisfactorily.

Junction Capacity Analysis:

The consultants have confirmed that on-site observations undertaken during the Weekday PM peak hour suggest that there the existing Garrick Road / Irving Way / Wilberforce Road junction operates within capacity with no notable queuing issues. The predicted traffic flows associated with the proposed development will not materially affect the operation of this junction.

Personal Injury Accident Analysis (PIA):

Consultants obtained the latest five year personal injury accident data covering a period up to October 2014 from TfL for the Garrick Road / Wilberforce Road / Irving Way three-arm priority junction. The data covers a distance of approximately 100m along each arm.

5 slight PIA accidents were recorded during this period. The analysis of the accidents carried out by the consultants concluded that the proposed development is not expected to adversely affect the accident record on the local highway network.

Travel Plan:

A Strategic Travel Plan will need to be provided. A contribution of £25,000 will be required towards the monitoring of the Travel plan.

Loss of trees, green buffer and impact on ecology

The green wall facing the properties on Colin Drive have been proposed to mitigate against the loss of the trees in terms of the aesthetic outlook from the rear windows and garden areas from the residential units. This is considered to help minimise the visual impact of the proposed units.

A phase 1 survey has been carried out of the application site. This did not identify any protected species on site. The site offers little scope to provide a habitat for protected species, however, details of enhancement measures to promote biodiversity on the site, to expand on the principles and recommendations contained within the phase 1 habitat will be secured by way of condition.

The Environment Agency have not raised any concerns relating to flood risk or impact on the Silk Stream.

5.4 Response to Public Consultation

All planning related matters are considered to be covered in the above appraisal. Further to discussions between the Local Planning Authority and the applicants further mitigation measures have been proposed. A delivery management plan will be submitted for any proposal seeking to expand the 24 hour use of the site. This will be reviewed to ensure

that the proposal does not cause disturbance to the neighbouring residential occupiers. The delivery management plan will also consider the frequency and type of vehicle movements. The document will also outline A 3 month review of the parking arrangements on site will also be undertaken to assess the implications of the new parking spaces on the neighbouring residents. An acoustic fence is also proposed to help minimise any noise disturbance as a result of the new units and associated use.

A green wall is proposed to the side of the new units facing Colin Drive and Colin Gardens to help maintain a sense of green when viewed from the windows of the residential units.

The Environmental Health team have reviewed the application and have not raised any concerns regarding air pollution or odour control.

The application is accompanied by an ecology report which outlines a number of mitigation measures and also suggests a number of enhancement measures. These are to be secured by way of condition.

Concerns have been raised that as part of the original consent an open green strip was to be maintained to provide a buffer between the residential units and the industrial estate. This application must be assessed on its own merits as a standalone proposal. The loss of some greenspace is accepted as it is not considered to change the character of the area and the way it functions to an unacceptable degree. The proposal has been designed to minimise the impact of the loss of this area including providing a living green wall to help maintain a green visual aspect. It is also suggested that trees could be planted within the proposed parking area to provide a level of soft landscaping to the site.

To prevent potential for overlooking no windows are proposed in the side elevation of either unit facing towards the residential properties, this will be maintained and secured by way of condition.

A daylight/sunlight report has been submitted with the application this indicates that the proposal will comply with BRE guidelines 2011 in respect of the impact of daylight/sunlight to the neighbouring residential units.

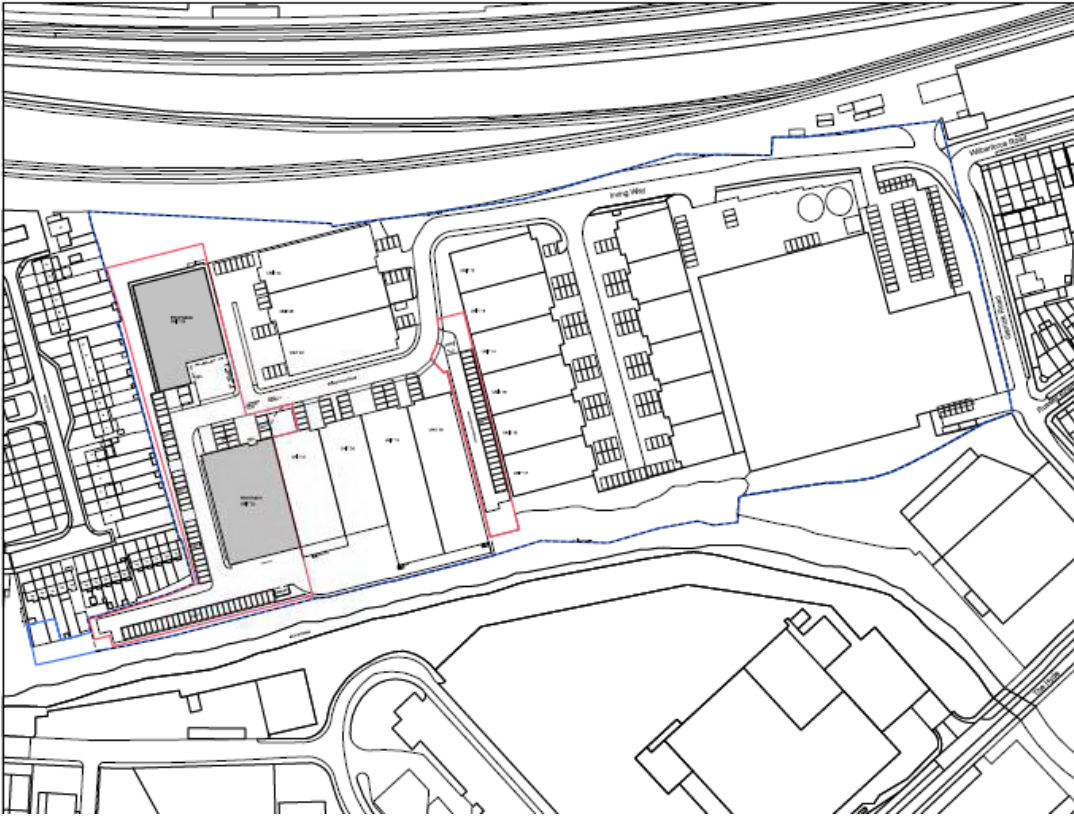
The traffic and development team have reviewed the application and consider that with the necessary S106 terms being complied with and on the basis of a full Travel Plan being submitted the proposal would not result in harm to the public highways and sufficient parking is provided on site.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



COMMITTEE REPORT

LOCATION: 61 / 63 (boundary) Parson Street, London NW4 1QT

REFERENCE: TPF/00463/15

Received: 14 September 2015

WARD: Hendon

Expiry: 9 November 2015

CONSERVATION AREA n/a

APPLICANT: OCA UK Ltd

PROPOSAL: 1 x Cedar of Lebanon (applicant's ref. T1) – Fell, T1 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Cedar of Lebanon (applicant's ref T1), T1 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement tree(s) shall be maintained and / or replaced as necessary until 1 new tree(s) are established in growth.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Consultations

Date of Site Notice: 22nd October 2015

Consultees:

Neighbours consulted: 40

Replies: 2 0 support 2 objections

The grounds of objection can be summarised as:

- This Cedar is a landmark in Hendon
- There have been Cedar of Lebanon trees in Hendon for over 250 years but this is one of the last
- Surely it is worth £11,000 to preserve the tree (the cost of the alternative solution which would not involve felling this beautiful tree)
- The tree is much older than the house
- The owners must have known the risks when they purchased the house
- The additional cost of underpinning (instead of felling the tree) would be less than 1% of the value of the property
- Involvement of insurers
- The other two trees mentioned in the application have already been removed
- Would not wish to see this stunning tree felled unless there was no reasonable alternative
- Unclear whether felling the tree would definitely solve the problem or whether the house might need underpinning at a later date
- Also not clear whether underpinning would guarantee a solution
- Other ways to deal with the problem without having to remove the Cedar
- Cedar of historic value – used during World War II to mark flight path into Hendon Aerodrome
- Many passers-by have admired the tree through the years and many have said what a magnificent tree it is
- Increased risk of flooding if remove tree(s) and pave over gardens
- Should try alternatives first rather than “using a sledge hammer to crack a nut”

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

15/00747/FUL - Single storey side and rear extension, conversion of single dwelling house into 2 no. self contained flats at 63 Parson Street
– Approved subject to conditions 7th April 2015

H/00141/14 - Single storey side and rear extension to both properties, following demolition of existing garages at 63 - 65 Parson Street
– Approved subject to conditions 2nd June 2014

H/03906/13 - Single storey rear extension to both properties and single storey side extension to No. 65 following demolition of existing garage. [Amended description] at 63 & 65 Parson Street
– Approved subject to conditions 24th October 2013

PLANNING APPRAISAL

1. Introduction

An application form proposing removal of the Cedar of Lebanon tree (applicant's ref. T1) in the front garden of 63 Parson Street in connection with alleged damage at the property was submitted via the Planning Portal on 23rd July 2015 - however, there were shortcomings in the information – clarification was thus requested. Further information was submitted on 14th September 2015, allowing registration of the application.

On site inspection, it became apparent that the Cedar straddles the boundary of 61 and 63 Parson Street, so the application address was amended accordingly.

2. Appraisal

Trees and Amenity Value

The subject Cedar of Lebanon stands on the flank boundary between the front gardens of 61 and 63 Parson Street, approximately halfway between the public highway and the front elevations of the houses. There is a boundary wall between the two properties which has been constructed to the south-east and north-west of the tree. It is understood from the residents that this boundary wall was built about 10 years ago and has been slightly offset from the legal boundary to facilitate construction. Because of the slope, the gardens in this part of Parson Street are stepped such that the driveway at 61 Parson Street is higher than that at 63 Parson Street (there is about 0.5 metres difference between surface levels to the south-east (i.e. road side) of the trunk and about 0.75 metres to the north-west (i.e. house side), the boundary wall thus also acts as a retaining wall. It is understood that previous investigations were undertaken at 61 Parson Street with tell-tales being in place for two years – but no alleged subsidence damage was identified.

The Cedar of Lebanon is a very substantial mature tree with a large spreading canopy. It is some 6 metres in girth and 15 – 20 metres in height; it forks to 5 main stems at about 2 – 3 metres above ground level, with one central stem and one stem towards 63 Parson Street having been removed. The Cedar has been previously lifted and has some deadwood, but it appears to be in good condition with no major faults apparent; the foliage is of good form and colour.

The Cedar of Lebanon is prominently located in the streetscene. It is very clearly visible along Parson Street and is also visible from the junctions of Tenterden Grove, Ashley Lane, and Corrigan Close. Being evergreen, the tree makes a significant contribution to the streetscene throughout the year. The Cedar of Lebanon is important enough that the Highways team agreed to relocate a street light column to the opposite side of the road so as to avoid causing damage to the tree. As attested by objectors, the public amenity value of the tree is enhanced by the number of pedestrians using the area.

The mature Cedar predates the properties that now occupy this part of Parson Street and is of a considerable age. The Cedar is shown as a specimen tree standing in the grounds of Downage (the large house that originally stood on the land) in the historic Ordnance Survey map dating from 1896, so it would have been a large tree more than one hundred ago. There is anecdotal evidence that this Cedar is the last survivor of three Cedars that were used to identify the flight path back to Hendon Aerodrome during the Second World War – the 1955 Tree Preservation Order map designates three individual Cedars in close proximity: the subject tree at 61/63 Parson Street; one between what is now 1 and 2 Tenterden Close NW4 1TJ; and the third by Glenmore, Tenterden Grove NW4 1TH which

would have aligned as an arrowhead pointing directly to the airfield - but the Head of Archives at the RAF Museum had not heard of this. Whether or not the Cedar was used as a marker during the War, there can be no doubt of its historic interest – its very size is testament to its age, and it is possibly the largest Cedar in the borough. The three Cedars were retained when the area was redeveloped subsequent to the large Victorian houses and gardens that predated the current residential housing (perhaps from which Cedars Close derives its name). There is also a historic link with Cedar of Lebanon trees and this part of Hendon in that the famous botanist, Peter Collinson, (1694 – 1768) acted as agent in obtaining 1000 Cedar of Lebanon trees for Goodwood that had been raised “from cones of the great tree at Hendon Place” in 1761.

The very large evergreen canopy of the Cedar helps attenuate the impact of heavy rainfall, reducing the amount of direct run-off via surface water drainage systems and increasing the amount of slow infiltration into the surrounding ground from droplets trickling more gradually from the foliage, branches, and trunk – thus helping to reduce the risk of flash flooding. In addition, the Cedar will have a role in combatting air pollution - foliage will adsorb some particulates and gaseous pollutants – of value given the heavy vehicle usage at certain times of day of Parson Street and the nearby Great North Way (A1 dual carriageway).

The Cedar of Lebanon is considered to be of special amenity value - in terms of its visual contribution to the streetscape; its environmental contribution to e.g. air quality and rainwater infiltration; and its historical significance. As noted by objectors, the Cedar provides very significant public amenity in a number of different ways – historic; environmental; and social (local landmark, iconic). It contributes significantly to the character and appearance of this part of Hendon. If it was removed any replacement planting would take many years to attain a similar size and stature and its historic attributes would be lost - thus there would be considerable detriment to public amenity for decades and substantial harm to the character and appearance of the area.

The application

The application submitted by OCA UK Ltd instructed by Oriel Services Ltd on behalf of the building insurers of 63 Parson Street was registered on 14th September 2015. The reasons for the proposed removal of the Cedar of Lebanon (applicant's reference T1) cited on the application form are:

- 1. The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building.*
- 2. The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to vary between £14,000 and £25,000, depending upon whether the tree/s can be removed or have to remain.*
- 3. The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to the peaceful enjoyment of their property.*
- 4. It is the case that an alternative to felling such as pruning or significant ‘pollarding’ of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.*

5. *We are satisfied that the evidence obtained following completion of our Arboricultural Implication Assessment report completed in November 2014, clearly links the Cedar of Lebanon tree T1 as the cause of damage to the above mentioned address.*

The supporting documentation comprised:

- Cunningham Lindsey Engineering Appraisal Report dated 22nd October 2014
- CET Levels Monitoring dated 22nd June 2015 (5 readings 10/10/14 – 16/6/15)
- OCA Arboricultural Assessment Report dated 17th November 2014
- CET Site Investigation Factual Report dated 2nd October 2014
- OCA Statement of Reasons undated
- OCA Site Plan dated 10th November 2014
- Clarification received 14th September 2015 that:

1. Further information in relation to the damage and previous repairs.

1.1 *We are not aware of any previous repairs or underpinning. The trial pit has confirmed that the affected area has not been underpinned.*

1.2 *The geological survey maps indicate that the strata to be sand & gravel overlying London Clay.*

1.3 *Unfortunately, we have no photos or sketch plans on the damage.*

2. Has any vegetation works been completed since our report was commission?

The future risk vegetation was removed January 2015

3. Your comments our Structural Engineer has noted that there is limited soil testing in the zone of the roots (because of the high coarse content?)?

The made ground to 1.0m is not suitable for soil testing. In addition the sand and gravel content in the clay down to 2.5m made the samples unsuitable for atterberg testing.

4. Heave Calculation:

A heave calculation is not possible given that no testing possible on the samples to 2.5m. The sand and gravel content would however suggest heave would be unlikely.

- CET Levels Monitoring updated to 17th August 2015 (6 readings 10/10/14 – 11/8/15)

- Clarification received 27th October 2015 that:

"I don't think it would be appropriate to obtain moisture contents within a remote borehole at we may not be comparing soils with similar characteristics. I have therefore undertaken a heave assessment based on the moisture contents within the borehole compared against a control moisture content taken as the onset of desiccation ie 0.4 x LL. This also equates to the moisture content of the clay at depth beneath the influence of the roots.

The indicated heave of 54mm is theoretical and does not in our experience indicate the actual amount of heave/recovery that occurs following tree removal. I don't believe the theoretical amount of heave indicated suggest that there will be a significant issue following tree removal. Insurers would in any case be prepared to deal with any damage resulting from heave should this occur. Insurers preference would be for the tree to be removed to prevent ongoing seasonal movement/damage under the influence of the tree. If the tree is not removed then we would have to consider underpinning as a means to maintain stability and may seek to recover these costs should the application to fell be unsuccessful".

The damage is described in the Engineering Appraisal Report as:

- The boundary wall appeared to be being lifted by large tree
- Depression to the paving
- Tapered vertical and stepped cracking externally with slight internal cracking to bay located at the front left hand corner of the house
- The level of damage is slight, and is classified as category 2 in accordance with BRE Digest 251

In respect of heave, the Engineering Appraisal Report notes “It is therefore my opinion that the desiccation represents purely seasonal desiccation rather than persistent moisture deficit and I am not of the opinion that long term heave will result should the Cedar tree be removed. In addition I am not of the opinion that heave of the clay subsoil is a threat to adjacent property.” The responses to requests for a ground heave assessment ‘as the Cedar predates the properties in this part of Parson Street by a considerable period’ are cited above.

The houses that occupy this part of Parson Street were constructed between the two World Wars on the site of a previous large residential property. The Cedar of Lebanon was retained when the redevelopment took place and the tree predates the present housing by a number of decades. Not only were the houses built with the Cedar in situ, but the much more recent boundary wall and paving are more than a hundred years younger than the tree – it is therefore obviously possible to construct a boundary wall and lay pavements in the presence of a large pre-existing tree, but appropriate techniques need to be used to ensure a harmonious relationship between the tree and structures that can be sustained in the long term.

It is understood that the boundary wall was built about 10 years ago and the damage has apparently been noted only within the last two years. The damage takes the form of cracking and displacement mainly along mortar lines, both of the end pier adjacent to the highway boundary and more particularly close to the tree. The wall directly abuts the trunk and the bark has started to envelop part of the closest brick. No foundation details have been provided for the wall.

Our Structural Engineer having assessed the information notes in respect of the boundary wall:

1. *The damage to the boundary wall is consistent with subsidence of foundations and direct bearing pressure from tree growth.*
2. *The most likely cause of damage to the boundary wall is subsidence of the shallow foundations due to tree root action and inadequate allowance for future tree growth when the wall was constructed.*
3. *The wall appears to be of relatively recent construction and therefore should have taken into account the current guidance for building near trees.*

Herringbone brick pavements cover almost all of the front garden area of 63 Parson Street, and there is some undulation evident, particularly near to the base of the trunk. The surfacing extends very close to the trunk and does not appear to have lain with sufficient

regard for the growth of the very large Cedar which predates the pavements by decades, if not centuries. It is possible to repair / replace the paving using appropriate techniques without felling the tree.

In respect of the damage to the bay, our Structural Engineer notes:

1. *The external cracking to the front bay is considered slight, approximately 2mm wide, and appears to be old damage.*
2. *The monitoring results indicate the cracking to the bay is due to tree root action.*

The cracks are described as being within BRE Category 2 - BRE Digest 251 *Assessment of damage in low-rise buildings* includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 2 damage as "*Cracks easily filled. Recurrent cracks can be masked by suitable linings. Cracks not necessarily visible externally; some external repointing may be required to ensure weather-tightness. Doors and windows may stick and require easing and adjusting. Typical crack widths up to 5mm.*" The BRE Digest concludes "Category 2 defines the stage above which repair work requires the services of a builder. For domestic dwellings, which constitute the majority of cases, damage at or below Category 2 does not normally justify remedial work other than restoration of the appearance of the building. For the cause of damage at this level to be accurately identified it may be necessary to conduct detailed examinations of the structure, its materials, the foundations and the local clear ground conditions. Consequently, unless there are clear indications that damage is progressing to a higher level it may be expensive and inappropriate to carry out extensive work for what amounts to aesthetic damage."

It is unclear why the author of the Engineering Appraisal Report suggests that "...the desiccation represents purely seasonal desiccation rather than persistent moisture deficit and I am not of the opinion that long term heave will result should the Cedar tree be removed". The age and size of the Cedar are such that a persistent moisture deficit is likely to have been present since at least Victorian times. Given the tree's significant age, the houses are likely to have been built on ground that was already desiccated and rehydration may have potential to result in heave. Our Structural Engineer requested a heave assessment and notes:

1. *In the absence of soil test results from a control borehole the assumptions used in the ground heave calculation are reasonable but does make the heave assessment less reliable.*
2. *A ground heave of 54mm is significant and is likely to cause further damage to the property. I note the insurer is prepared to deal with any further damage to this property, however has the risk of heave damage to other nearby properties been assessed, the closest being no.61.*

61 and 63 Parson Street are both semi-detached properties. 59 and 61 Parson Street form one pair of semis, 63 and 65 comprise the adjacent pair (there are adjoining garages creating a link between 61 and 63). There are thus potential implications for several properties if the calculated "ground heave of 54mm is significant and is likely to cause further damage".

In view of the heave implications, the damage having been assessed as BRE Category 2, and the potential to replace / repair both the wall and the paving with the tree retained, it may be questioned whether the proposed removal of the TPO Cedar of Lebanon at this juncture is excessive / premature.

3. Legislative background

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In this case the agent has indicated that *"estimated repair costs are likely to vary between £14,000 and £25,000, depending upon whether the tree/s can be removed or have to remain"* and *"If the tree is not removed then we would have to consider underpinning as a means to maintain stability and may seek to recover these costs should the application to fell be unsuccessful"*.

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage'. The standard is 'on the balance of probabilities' rather than the criminal test of 'beyond all reasonable doubt'.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that our Structural Engineer has noted *"The most likely cause of damage to the boundary wall is subsidence of the shallow foundations due to tree root action"* and *"The monitoring results indicate the cracking to the bay is due to tree root action"*.

The compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment.

If it is concluded that the damage was attributable to other causes, it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell.

However, if it is concluded on the balance of probabilities that the Cedar of Lebanon's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates repair works would be some extra £11,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Matters addressed in the body of the report. The OCA recommended 'Vegetation management to address risk of future subsidence' removal of a Sycamore and Beech tree both growing in a small bed on the other side of the frontage of 63 Parson Street was implemented in January 2015 – these trees were not included in a Tree Preservation Order.

EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the application would have a significant impact on any of the groups as noted in the Act.

CONCLUSION

The application is seeking consent for the felling of the prominent mature Cedar of Lebanon standing on the flank boundary between the front gardens of 61 and 63 Parson Street, it being alleged that the tree is implicated in property damage at 63 Parson Street.

The application was submitted by OCA UK Ltd and registered on 14th September 2015.

The proposed felling of the Cedar would be significantly detrimental to the streetscene and would result in the loss of a substantial mature tree of historic interest.

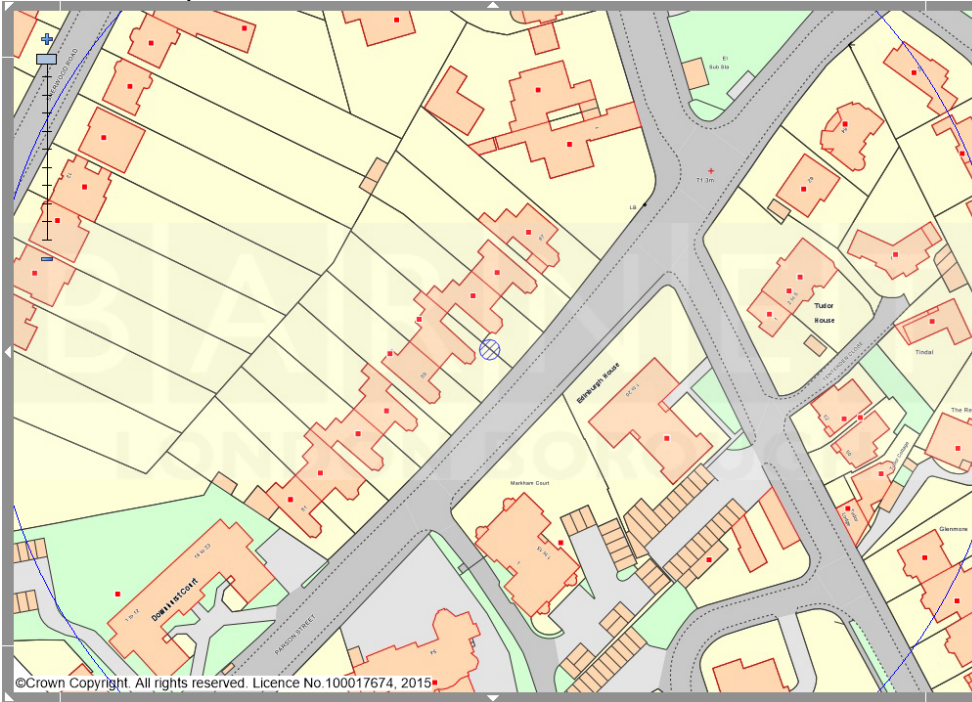
Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree, it is necessary to consider whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided, particularly in the light of the Structural Engineers' concerns about heave.

If it is concluded on the balance of probabilities that the Cedar of Lebanon's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates repair works would be some extra £11,000 if the tree is retained) if consent for the proposed felling is refused.

However, particularly given the amenity value of the tree, if it is concluded that the damage was attributable to other causes; it may be argued that loss or damage would not be in

consequence of a refusal of TPO consent to fell, and that it would be justifiable to refuse the application.

Site location plan:



Extract from 1896 Ordnance Survey map:

