

Decisions of the Finchley and Golders Green Area Planning Committee

13 October 2016

Members Present:-

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Shimon Ryde
Councillor Arjun Mitra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Jim Tierney

1. MINUTES OF LAST MEETING

RESOLVED – The minutes of the meeting held on the 20th of September 2016 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

The following interests were declared:

Councillor	Item(s)	Nature of Interest	Detail
Shimon Ryde	12 (Talmud Torah Tiferes Shlomoh School)	Non-pecuniary	That the councillor had children who had previously gone through the school, although he has had no involvement with the application.
	14 (The Castle, 452 Finchley Road)	Pecuniary	That the Councillor was acquainted with an owner of the premises as they both are members of the same synagogue. The councillor indicated that he would leave the meeting when this item is considered, and therefore would not be taking part in the consideration or voting of the item.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The committee noted the information provided in the addendum and considered it at each relevant item.

6. 45 - 51 WOODHOUSE ROAD

The Planning Officer introduced the application.

Oral representations were heard from Ms Emma Pineiro, who spoke in objection to the application, and from the applicant.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	2
Against	5
Abstain	0

The committee therefore **RESOLVED to REFUSE the application, being a reversal of the officer's recommendation.**

The Chairman then moved a motion, seconded by Councillor Jim Tierney and agreed by the committee, to refuse on the following grounds:

1. The proposed development, by reason of its siting and scale, particularly its height, would detract from the character of the surrounding area and would be overbearing when seen from neighbouring properties which would be detrimental to the residential amenities of the occupiers of those properties, contrary to policy CS1 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance (2016).

Add Informatives:

1. The plans accompanying this application are:

Existing (Received: 08/06/16)
WHR-DS-01-ZZ-DR-A-P210 Rev P0; 01

Proposed (Received: 07/09/16);WHR-DS-01-ZZ-DR-A-P201 Rev P1; WHR-DS-01-ZZ-DR-A-P200 Rev P1; WHR-DS-01-ZZ-DR-A-P202 Rev P1; WHR-DS-01-ZZ-DR-A-P203 Rev P1; WHR-DS-01-ZZ-DR-A-P204 Rev P1; WHR-DS-01-ZZ-DR-A-P205 Rev P1;WHR-DS-01-ZZ-DR-A-P206 Rev P1;WHR-DS-01-ZZ-DR-A-P300 Rev P1; WHR-DS-01-ZZ-DR-A-P100 Rev P0; WHR-DS-01-ZZ-DR-A-P101 Rev P0; WHR-DS-01-ZZ-DR-A-P102 Rev P1; WHR-DS-01-ZZ-DR-A-P103 Rev P1; WHR-DS-01-ZZ-DR-A-P003 Rev P0

Reports:

Geo-Environmental Desk Study Report (dated April 2016); Transport Assessment (dated: May 2016); Daylight and Sunlight Study (Dated: April 2016); Marketing report prepared by Jeremy Leaf and Co (dated: January 2016)

2. This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £26,250.00 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a £101,250.00 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk

Relief or Exemption from CIL

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

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

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

Please visit:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

further details on exemption and relief

for

7. 16 NETHERCOURT AVENUE

The Planning Officer introduced the item.

The Chairman then moved a motion to defer the application on the grounds that a site visit had not taken place and that the committee could not, therefore, make a fully informed decision on the item at the meeting. The motion was seconded by Councillor John Marshall, and the committee unanimously agreed.

The committee therefore **RESOLVED to DEFER the item.**

8. 20 DUNSTAN ROAD COM

The Planning Officer introduced the application.

Oral representations were heard from Mr. S. Hasan, who spoke in objection to the application, and from the applicant.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to refuse the application. Votes were recorded as follows:

For	5
Against	2
Abstain	0

The committee therefore **RESOLVED to REFUSE the application, as per the officer's recommendation.**

9. 44 PATTISON ROAD

The Planning Officer introduced the application.

Oral representations were heard from Ms Gabriella Guz on two accounts: her personal capacity and as a substitute for Mr Paul Twivy. Both representations were made in objection to the application.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	3
Against	4
Abstain	0

The committee therefore **RESOLVED to REFUSE the application, being a reversal of the officer's recommendation.**

The Chairman then moved a motion, seconded by Councillor Shimon Ryde and agreed by the committee, to refuse on the following grounds:

1. The extension, by reason of its siting and height (including lantern rooflight) causes a loss of light to and loss of outlook from the side facing windows in the adjoining property at no. 46 Pattison Road, which is detrimental to the residential amenities of the occupiers of that property, contrary to policy CS1 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance (2016).

Add Informative:

1. The plans accompanying this application are: 9001 EXIST, 9001 and Site Location Plan.

10. CARLTON CLOSE

The Planning Officer introduced the application.

On oral representation was heard from the applicant's agent.

Following discussion of the item, the Chairman moved to defer the item to enable an independent review of the submitted Impact Assessment and associated documents at the applicant's expense. The motion was seconded by Councillor Mittra. The Chairman requested a vote be taken on the motion, with votes cast as follows:

For	5
Against	2
Abstain	0

The committee therefore **RESOLVED to DEFER the application** to enable an independent review of the submitted Impact Assessment and associated documents at the applicant's expense.

11. TALMUD TORAH TIFERES SHLOMOH SCHOOL

The Planning Officer introduced the application.

Oral representations were heard from Mr Kishor Vara and Mr S. P. Mangala, who spoke in objection to the application, and from the applicant's agent.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	5
Against	1
Abstain	1

The committee therefore **RESOLVED to APPROVE the application, as per the officer's recommendation.**

12. THE CASTLE 452 FINCHLEY ROAD

Due to the interest that he declared at the beginning of the meeting, Councillor Shimon Ryde excluded himself from the meeting.

The Planning Officer introduced the application. The Planning Officer clarified that the date under Recommendation III (page 114 of the agenda reports pack) should be amended to 22/12/2016, where it had previously said 22/04/2016.

An oral representation was heard from the applicant's representative.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	3*
Against	3
Abstain	0

**The Chairman used her casting vote in favour of the application.*

The committee therefore **RESOLVED to APPROVE the application, as per the officer's recommendation and addendum, which stated the following:**

Amended condition 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.

Delete conditions 10, 14 and 16.

Add new condition: Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority and the development implemented in accordance with the approved details.

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.

13. 27 NEW TRINITY ROAD

Councillor Shimon Ryde re-entered the meeting.

The Planning Officer introduced the application.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	6
Against	1
Abstain	0

The committee therefore **RESOLVED to APPROVE the application, as per the officer's recommendation and addendum, which stated the following:**

Add new condition 13: This development shall have begun within three years from 16 June 2004.

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

14. WAREHOUSE, NURSERY AVENUE

The Planning Officer introduced the application.

An oral representation was heard from the applicant's agent.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	6
Against	1
Abstain	0

The committee therefore **RESOLVED to APPROVE the application, as per the officer's recommendation and addendum, which stated the following:**

Amend condition 1: The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing (received: 11/07/16) - 1431.P.08 Rev 0

Proposed (11/07/16) - 1431.P.09; 1431.P.10 Rev A; 1431.P.11 Rev A

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

None.

The meeting finished at 9.07 pm