

LOCATION: The Sparrow, Glengall Road, Edgware, Middx, HA8 8TE

REFERENCE: H/02984/13 **Received:** 13 July 2013
Accepted: 12 July 2013

WARD: Edgware **Expiry:** 06 September 2013

Final Revisions:

APPLICANT: Tesco Stores

PROPOSAL: Variation of condition 14 (Delivery Hours) pursuant to planning permission H/03790/12 dated 18/03/13 for "Conversion of first floor to 4 self contained flats (2no. 2 bedroom and 2no. 3 bedroom). Two-storey infill side extension and first floor rear extensions. New vehicle access and creation of 15 car parking spaces. Alterations to fenestration." Variation includes deliveries on Sundays, Bank and Public Holidays. (AMENDED DESCRIPTION)

Approve Subject to S106

Subject to a Section 106 Agreement

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 **Education Facilities (excl. libraries) £8,967.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £417.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,716.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £655.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/02984/13 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Transport Statement, Design and Access Statement Revision A, PL03 Rev A, PL04, PL05, PL06 Rev C, PL07rev A, PL08, PL09, (L)101, Letter from Sophie Hinton dated 12th July 2013, Email from applicant's agent dated 19/08/13.

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).

- 2 This development must be begun within three years from 14 January 2013.

Reason:

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

- 3 Before the development hereby permitted is occupied the parking spaces shown on Plan PL07 Rev A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Glengall Road from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

- 5 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 6 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of

the Adopted Barnet Development Management Policies DPD (2012).

- 8 A scheme of hard and soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 9 All work comprised in the approved scheme of landscaping in relation to the roof top garden shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

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

Reason:

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

- 13 Before the development hereby permitted is occupied; cycle parking and cycle storage facilities in accordance with Drawing No. PL07 Rev. A submitted with the planning application shall be provided and such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core

Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 No deliveries shall be taken at or dispatched from the site before 9 am or after 1 pm on Sunday, Bank or Public Holiday or before 7 am or after 6 pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Planning & Regenerations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP
- 4 The applicant is advised that the maximum width of crossover allow is 4.8m. A separate application will need to be made to Planning & Regenerations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP for the provision of a new crossover.
- 5 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 6 The Mayor of London introduced a Community Infrastructure Levy on 1st April

2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £2450.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

RECOMMENDATION III

That if an agreement has not been completed by 31/10/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/02984/13 under delegated powers for the following reason/s:

The development does not include a formal undertaking to meet the extra health, education, libraries and affordable housing costs together with associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Health Facilities, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, Supplementary Planning Document - Affordable Housing and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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: July 2011

3.5, 7.4, 7.6

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 2031. It forms part of the development plan for Greater London.

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.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy Policies:

CS1, CS4, CS5, CS8, CS10, CS15

Relevant Development Management Policies:

DM01, DM02, DM14, DM17

Barnet's SPD on Residential Design Guidance (December 2012)

Adopted Supplementary Planning Document Contributions to Education
Adopted Supplementary Planning Document Contributions to Health Facilities from Development

Adopted Supplementary Planning Document Contributions to Libraries
Adopted Supplementary Planning Document Planning Obligations

Relevant Planning History:

Application: Planning
Validated: 31/05/2013
Status: DEC
Summary: AP
Number: H/02044/13
Type: CON
Date: 17/07/2013
Case Officer: Emily Benedek

Description: Submission of details of Condition 6: Refuse & Recycling, Condition 8: Scheme of hard and soft landscaping and Condition 13: Cycle and refuse provisions pursuant to planning permission H/03790/12 dated 18/03/2013

Application: Planning
Validated: 10/10/2012
Status: DEC
Summary: APL
Number: H/03790/12
Type: APF
Date: 18/03/2013
Case Officer: Emily Benedek

Description: Conversion of first floor to 4 self contained flats (2no. 2 bedroom and 2no. 3 bedroom). Two-storey infill side extension and first floor rear extensions. New vehicle access and creation of 15 car parking spaces. Alterations to fenestration.

Consultations and Views Expressed:

Neighbours Consulted: 62 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Increase in traffic
- Proposed new car park would cause problems for neighbours entering and leaving their property
- Lights from cars driving at night will shine directly into neighbouring properties
- Noise and disturbance from deliveries
- Safety and security as youth used to gather around the pub and will continue with new shop
- New shops not needed on this road
- Increased difficulties with on-street parking
- Destroy village like atmosphere
- Large vehicles will cause further congestion and will be more dangerous for school children and their parents
- Flooding and drainage - have the Environment Agency been consulted?

Internal /Other Consultations:

N/A

Date of Site Notice: 25 July 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to The Sparrow pub located on the north side of Glengall Avenue which is of mixed character. The site adjoins Rosh Pinah primary school to the north and west, local shops to the east and residential properties to the south.

Proposal:

The application seeks permission for the variation of condition 14 (delivery hours) pursuant to planning permission H/03790/12 dated 18/03/13 for 'Conversion of first floor to 4 self contained flats (2no. 2 bedroom and 2no. 3 bedroom). Two storey infill side extension and first floor rear extensions. New vehicle access and creation of 15 car parking spaces. Alterations to fenestration.' The application seeks a variation to include deliveries on a Sunday and Bank Holidays between the hours of 9:00am and 1:00pm so that the condition will read: 'No deliveries shall be taken at or dispatched from the site before 9 am or after 1 pm on Sunday, Bank or Public Holiday or before 7 am or after 6 pm on any other day.'

Planning Considerations:

The key issue of this proposal is the impact of the change in delivery hours on the residential amenity of adjoining properties.

The condition at the moment reads: 'No deliveries shall be taken at or dispatched from the site on Sunday, Bank or Public Holiday or before 7 am or after 6 pm on any other day.'

This alteration amounts to an increase of four hours on Sundays and Bank Holidays when deliveries will take place although the applicant's agent has confirmed there will be no more than 3 deliveries on Sundays and Public Holidays during this time. The proposed use was found to be acceptable under the previous application which also includes the hours which were imposed on condition 14. The Local Planning Authority acknowledges that there may be some additional movement on the site but the property has its own car park with sufficient space for deliveries which will be kept separate from the residential element of the site and is located adjacent to the existing shops. Accordingly it is not considered that the change in delivery times would be significantly harmful to neighbouring residential amenity or have an adverse impact on traffic, access and parking in the area.

Section 106 Issues

The original approval was subject to a unilateral undertaking to provide education, libraries and health costs in relation to the residential element. An undertaking to replace the original agreement is required and is sought to ensure that these

contributions are provided.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

Delivery times have been restricted to between 9.00am and 1.00pm on Sundays when the local school will not be in use and drivers should not need to use their lights.

The change of use of the ground floor from a public house (Use Class A4) to convenience store (Use Class A1) is a permitted change of use over which the Council has no control.

The Environment Agency were not consulted as part of this application as it was not considered necessary as part of this application. However, they were consulted as part of the previous application.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

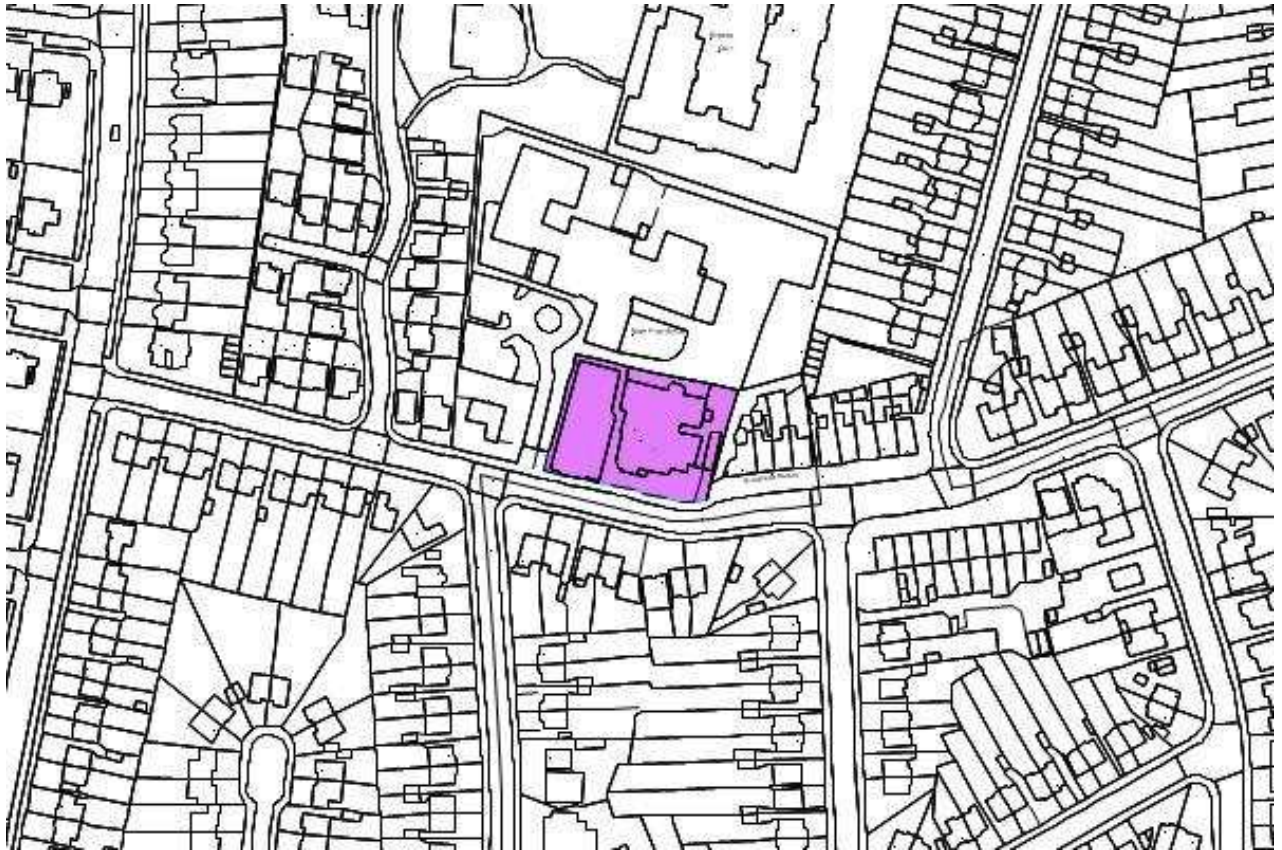
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:
HA8 8TE**

The Sparrow, Glengall Road, Edgware, Middx,

REFERENCE:

H/02984/13



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