

Location **Redwood House Kara Way London NW2 3EA**

Reference: **15/05088/FUL** Received: 11th August 2015
Accepted: 20th August 2015

Ward: Childs Hill Expiry 15th October 2015

Applicant: Mr V Kara

Proposal: Proposed protective boundary treatment, alterations to include an increase in height and partial recladding of structure

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - DEE1001 Existing Ground Floor Plan
 - DEE1002 Proposed Ground Floor Plan
 - DEE1003 Existing and Proposed Front Elevation
 - DEE1004 Proposed Side Elevation
 - DEE1005 Existing and Proposed Side Elevation
 - DEE1006 Existing Side Elevations
 - DEE1007 Existing and Proposed Rear Elevation
 - DEE1008 Existing Site Plan
 - DEE1009 Proposed Site Plan
 - DEE1010 Location and Existing Block Plan
 - DEE3001 Previously Existing Warehouse Plan
 - DEE3002 Previously Existing Side Elevations
 - DEE3003 Previously Existing Front and Rear Elevation

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 other than demolition works shall take place until details of the materials to be used for the proposed fencing hereby approved as well as details of

the design and siting of its supporting structure 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, to ensure that harm is not caused to adjacent trees 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 2011.

Informative(s):

Officer's Assessment

1. Site Description

The application site is situated to the South of Kara Way and adjacent to Cricklewood playground, NW2 3EA. The site has been used by a Timber and Building Supplies business since the 1970's. The application property is not listed nor located on land designated as Article 2(3) (Conservation Area). There are no protected trees on, or adjacent to the application site.

Planning permission was previously granted and the time limit for implementation extended for the redevelopment of the site to provide no.9 residential units. This permission has not been implemented and the site remains in commercial use.

2. Site History

Reference: (Enforcement Reference) ENF/00618/15

Address: Cricklewood Timber And Building Supplies Ltd, Redwood House, Kara Way, NW2 3EA

Decision: DC Application Submitted

Date DC App. Received: 11.08.2015

Nature of complaint: Alterations to Existing Extension

Reference: F/03109/12

Address: Redwood House, Kara Way, London, NW2 3EA

Decision: Approved following legal agreement

Decision Date: 21.12.2012

Description: Extension to the time limit for implementing planning permission F/02423/09 granted 19/08/2009 for 'Demolition of existing timber merchants building and erection of a part two / part three storey building comprising of nine apartments. Provision of ten parking spaces within landscaped forecourt.'

Reference: F/02423/09

Address: Redwood House, Kara Way, London, NW2 3EA

Decision: Approve following legal agreement

Decision Date: 02.09.2009

Description: Demolition of existing timber merchants building and erection of a part two / part three storey building comprising of nine apartments. Provision of ten parking spaces within landscaped forecourt.

Reference: F/00726/09

Address: Redwood House, Kara Way, London, NW2 3EA

Decision: Withdrawn

Decision Date: 09.04.2009

Description: Erection of a part two, part three and part four storey building comprising of 16No. apartments plus associated basement parking, following demolition of existing timber merchants building.

Reference: C05038F/01

Address: Cricklewood Timber And Building Supplies Ltd Redwood House Kara Way London NW2

Decision: Refused

Decision Date: 21.08.2001

Description: Alteration to elevation facing Kara Way to form an entrance to the first floor level.

Reasons for refusal:

(1) In absence of a footpath on the south-east side of Kara Way, adjacent to the proposed entrance users of the first floor would have to exit directly onto the carriageway increasing conflict with vehicular movements and prejudicing highway and pedestrian safety...

Reference: C05038B

Address: Timber Yard R/O 224 Cricklewood Broadway London NW2

Decision: Approved subject to conditions

Decision Date: 21.04.1994

Description: Erection of a two storey warehouse/shop/office building

Reference: C05038A

Address: Timber Yard R/O 224 Cricklewood Broadway London NW2

Decision: Refused

Decision Date: 03.02.1993

Description: Retention of 3 portakabins and open and covered storage units within site, and new front entrance gates

Reasons for refusal:

(1) The portakabins, and open and covered storage areas in the centre of site, by the reason of their appearance, prominent siting and excessive height are visually obtrusive and detrimental to the amenities of the adjoining residential properties...

Reference: C05038

Address: Timber Yard Adjoining, Land Adjoining Johnson Terrace; Cricklewood Playground NW2 NW2

Decision: Approved subject to conditions

Decision Date: 13.06.1974

Description: demolition of existing buildings and erection of new storage building

3. Proposal

This application proposes protective boundary treatment, alterations to include an increase in height and partial re-cladding of structure.

This application was invited to be submitted following an enforcement investigation regarding partial re-cladding work which had been implemented on the application site without planning consent. As well as the re-cladding of the existing structure, this application additionally proposes to replace the existing boundary treatment alongside the public park with a 6m high safety fence/netting.

4. Public Consultation

Consultation letters were sent to 47 neighbouring properties, a site notice was posted on the 27.08.2015. 16 responses have been received, comprising 16 letters of objection including a letter from the local Residents' Association.

The objections received can be summarised as follows:

- Concerns raised regarding the threat to highways and public safety due to the deliveries to the site as well as use of forklift truck on a public highway.

- Concerns that delivery vehicles associated with the business have caused damage to the road and street furniture
- Concerns that delivery vehicles associated with the business cause blockages restricting access for local residents
- Concern over the capacity of the site in terms of its commercial use.
- Belief that permission should not be granted unless the safety and other issues affecting residents are addressed and solutions sought.
- Request for a size/weight restriction to be imposed for vehicles along Kara Way
- Request for deliveries to be unloaded directly into the yard rather than from Kara Way.
- Height of fencing will be oppressive upon the playground.
- Request for a new gate to the playground.

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 March 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 2031. 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 extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted April 2013)

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.
- Whether the proposed development would impact upon public or highways safety.

5.3 Assessment of proposals

None of the submitted documentation has indicated that the alterations within the site would lead to an increase to the number of employees working within the site or an intensification of use. The applicant has confirmed that the developments represent attempts to modernise the existing facilities and improve safety standards within the site. There is no evidence that would demonstrate that the proposed development would exacerbate highways issues and the existing use of the site is well established. As no change of use or expansion to the commercial operation is included in the proposed development, the main consideration is whether the proposed/existing alterations would cause significant impact to the character and appearance of the local area or the amenities of any neighbouring residents/users of the adjacent playground.

Immediately adjacent to the application site is the Cricklewood Playground. The playground has been recently refurbished following planning application F/04955/13 dated 06.12.2013 and is considered to be a well-used and treasured community facility. As part of the renewal of the facility, the fenced sports court originally located adjacent to the shared boundary with the application site was removed, opening up this area of the public space but also removing much of the barriers between the two sites. The submitted planning statement has reasoned that a taller, more secure barrier is now necessary to keep sport items from entering the timber yard and to deter those persons trying to breach the curtilage without authorisation. This need is considered reasonable and to constitute an improvement for the safety of users of the Cricklewood Playground. The principle of the erection of a safety fence is therefore not objectionable.

The re-cladding and extended canopy roof of the storage structure follows an enforcement complaint made relating to this aspect of the development. Historically, the wooden panels used to clad sections of the existing structure were replaced with metal sheets and the area of the canopy roof extended to provide additional shelter. Whilst the recladding would have constituted an improvement/alteration rather than operational development (which would therefore not require express permission) the canopy roof was reconfigured to

better cover the central area of the site, increasing the depth to 9.5m for a width of 8.7m. This alteration also involved the replacement of the single pitch roof with a flat roof - increasing the maximum height by 1m on the South West side of the site. The increases to the height and size of the canopy roof when completed was therefore no longer permitted. The outcome of the enforcement action was to invite an application in order to consider the development according to the local policy framework. As the metal recladding constitutes an improvement to the previously existing wooden panels (many of which were damaged), the principle of the recladding is not objectionable.

Kara Way forms a clear demarcation of character within the local area, with buildings to the South and South West being large grain, commercial developments such as the Beacon Bingo site and to the North attractive rows of terrace dwellings. The clad storage structure is a sizeable construction however it does not appear out of scale because of its neighbouring buildings. The majority of the clad area is to the rear and lower half of the South West side of the site, with the North East side only being solidly clad for a distance of 9.5m from the bottom corner.

It is not considered that the metal cladding or extended canopy roof causes a significant impact upon the streetscene of Kara Way, and is considered to be in-keeping with the character of the site and its well established use as well as within the local area being surrounded by commercial uses on two sides. The area of solid cladding as well as frame structure along the North East side of the site is situated immediately adjacent to the playground, however the structure is not considered to have an overbearing impact upon this space due to its size and openness and the existing cladding is aesthetically considered to be an improvement from the previously existing degraded and unsecured plywood panels.

The proposed safety fence/netting would stretch for a distance of 32m along the North East boundary, with supporting posts set 10m apart and is proposed to have a height of 6m. Because of the existing structure within the application site adjacent to the boundary, the potential benefits in terms of increased safety for users of the playground as well as the fact that the playground is already enclosed by fencing; it is considered that the proposed fencing is not objectionable. The utilisation of sports netting is similarly not objectionable as it would appear synonymous with the recreation use of the Playground site and would have a softer impact in terms of views and light than a solid boundary treatment.

In order to ensure that the proposed boundary treatment would be appropriate in design, a condition is recommended which would request that further details of the fencing are submitted prior to the commencement of works. This would allow the local authority to ensure that factors such as the material choice and colour would not have a harmful impact upon the character of the area. These details would also serve to ensure that the location of the supporting poles for the fencing would not disrupt/impact upon the two trees situated along this boundary. Whilst this trees are not protected, they do provide considerable amenity value for the public space and therefore efforts should be made to avoid impacts. It is considered that if the supporting poles for the proposed fencing area are appropriately placed, this could be avoided.

5.4 Response to Public Consultation

A considerable amount of comments have been received which relate to Highways issues such as the impacts caused due to deliveries methods, the use of a forklift on a public

highway, damages caused by heavy vehicles as well as threats to public safety due to the constrained access.

These issues are not directly related to the proposed development but to the existing (lawful) use of the site. Whilst these comments are acknowledged and the frustration expressed appreciated; no evidence has been found that the proposed development would cause the exacerbation of any of these issues and as such the Local Planning Authority may not deliberate these as material considerations when assessing the proposed development.

A clear message has been received that local residents wish the Council to engage positively with the business in order to identify ways in which its existing impacts on the neighbourhood can be mitigated. However, these matters cannot be considered to be material within the remit of this planning application. The points relating to Highways raised will be passed on to the Local Authority's Highways officers for further progression in resolving these issues.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

