

Decisions of the Hendon Area Planning Committee

7 December 2016

Members Present:-

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

Councillor Sury Khatri
Councillor Hugh Rayner

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

The minutes of the meeting that was held on 2 November 2016 was signed as an accurate record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Claire Farrier. An apology of lateness was received from Councillor Charlie O-Macauley.

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

Councillor Hugh Rayner declared a non-pecuniary interest. Councillor Rayner stated that he lived in Edgware and near the site location. Councillor Rayne took part in the consideration and voting process.

4. 5 LAWRENCE GARDENS LONDON NW7 4JU

The Committee considered the report and the oral representations from Mr Philip Winter and Graham Bromwich who spoke in objection, and a response from the applicant's agent.

The Chairman put the application to the vote in favour of the Officers recommendations to approve the application which received 1 vote in favour. The Chairman requested a show of hands to overturn the Officer's recommendation and therefore voted to refuse the application. This received 5 votes and one Member abstained.

The Committee therefore agreed to overturn the Officer's recommendation and refused the application for the following reasons:

The proposed dwelling, by reason of its design, siting, height and width, relative to the neighbouring properties at No's. 3 and 7 Lawrence Gardens, results in a cramped, visually obtrusive and unsympathetic form of development, which would adversely impact the character and appearance of the area, and the proposal would therefore be contrary to policies in the National Planning Policy Framework, Policy 7.4 of the London Plan (2015), DM01 (Protecting Barnet's character and amenity) of the Development

Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

The proposed dwelling by reason of its height, length, siting and design relative to the boundaries of the site, would result in a development that is overbearing and visually obtrusive when viewed from the rear private amenity space at number 7 Lawrence Gardens, as well as from the first floor front window at number 3 Lawrence Gardens, resulting in harm to the amenities of neighbouring residents. The proposal would therefore be contrary to policies in the National Planning Policy Framework, Policy 7.4 of the London Plan (2015), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

5. 49 - 51 MANOR PARK CRESCENT EDGWARE HA8 7LY

The Committee noted the addendum to the Officer's report which was circulated.

Having considered the report and the oral representations from Mr Godfrey Dyan who spoke in objection, Mr McIntosh who spoke in support of the application, and a response from the applicant's agent the Committee resolved to:

Approved the application subject to inclusion of amendments to conditions to secure safeguards against noise from potentially harmful amenity impacts arising from use of the basement subject to conditions and informatives as set out in the report and with the additional condition(s) found below

Vote:

For 3

Against – 2

Abstained 2

The Chairman moved that the following conditions be added which was agreed by the Committee which included:

Amendment to recommendation III through addendum to correct the date that the unilateral undertaking needs to be complete by.

- The D1/D2 floorspace hereby approved shall cease use be completely vacated by members of the public and staff by no later than 23.00 on any day.

Reason: To ensure that the use of the proposed community floorspace (use class D1/D2) does not give rise to an unacceptable level of harm to residential amenity by way of its operation and the dispersal of users of the premises. Policies DM01, DM02 and DM13 of the Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS10 of the Local Plan Core Strategy (2012).

- The committee agreed to delegate responsibility to the Chief Planning Officer to approve the number of people on site at any time in association with the D1/D2 floorspace hereby approved. Once agreed the Chief Planning Officer will communicate the position to the Committee.

Reason: To ensure that the use of the proposed community floorspace (use class D1/D2) does not give rise to an unacceptable level of harm to residential amenity by way of its operation. Policies DM01, DM02 and DM13 of the Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS10 of the Local Plan Core Strategy (2012).

- No amplified noise, music or sound shall be audible outside of the premises hereby approved.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

Prior to the first occupation and use of the development, a site management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the proposed details hereby approved.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

6. VINCENT COURT BELL LANE LONDON NW4 2AN

Having considered the report and the oral representations from Mr Adam Savitz who spoke in objection and a response from the applicant's agent the Committee resolved to:

Refused the application and in doing so the Committee therefore overturned the Officer's recommendations. The application was refused as set out below.

The Chairman put the application to the vote in favour of the Officers recommendations to approve the application which received 3 votes in favour. The Chairman requested a show of hands to overturn the Officer's recommendation and therefore vote to refuse the application. This received 3 votes and one Member abstained. The Governance Officer in attendance stated that the vote was drawn and further stated that the Chairman was able to use a casting vote. The Chairman confirmed that the application be refused and moved the following reasons which the Committee agreed.

The proposed development by virtue of its size, scale, bulk and massing as well as its proximity to the boundary of neighbouring properties in Green Walk would be harmful to the character and appearance of the site and the wider area as well as the amenity of the occupiers of adjoining residential occupiers. As such, the proposed development would be contrary to policies DM01 and DM02 of the Local Plan Development Management

Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012).

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

There were no urgent items.

The meeting finished at 8.06 pm