

Location **Flat 8 Ullswater Court 92 Holders Hill Road London NW4 1LN**

Reference: **16/7639/CON** Received: 1st December 2016
Accepted: 1st December 2016

Ward: Finchley Church End Expiry 26th January 2017

Applicant: -

Proposal: Submission of details of condition 4 (Boundary Treatment) 5
(Landscaping) 7 (Ventilation) pursuant to planning appeal
APP/N5090/C/15/3005873 dated 21/06/16

Recommendation: Approve

Informative(s):

- 1 The plans accompanying this application are:

0905-46 Rev. J (General Arrangement: External works plan (sheet 1 of 2)

Planning Compliance Technical Note (January 2017)

- 2 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. 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.

Officer's Assessment

1. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM04.
- Residential Design Guidance SPD (2016)

2. Public consultation

Councillor Old has requested that the application be called in to committee in the event that Planning Officers recommend approval.

10 responses have been received, comprising 10 letters of objection.

The letters of objection raise the following material considerations:

- Little change to the previous 2010 planning permission;
- Very little extra planting has been added back in;
- Over-height double skinned fencing and enclosed aspect of the frontage make its completely alien and prison like when compared to the other open aspect neighbouring developments;
- Height of fencing is not appropriate;
- Noise report only refers to sound output of the ventilation equipment, does not take into account neighbouring property.

Internal Consultations

Environmental Health - Satisfied with information submitted.

3. Discussion of proposal

In 2010, planning permission (reference F/02820/10) was granted for the *construction of a part 3 / part 4 storey building comprising of 9 flats, with accommodation in the roofspace, car parking and cycle storage. Associated landscaping and amenity space.* A subsequent application (reference 14/07374/FUL) was refused by the Council in 2015 for the *Temporary change of use for five years involving alteration and conversion of existing 3 bedroom flat to create en-suite facilities and kitchenettes to each room* at flat 8 Ullswater Court.

The site is managed by the International Bible Students Association (IBSA) which is the administrative organisation for Jehovah's Witnesses in the United Kingdom. The organisation's headquarters are currently based in Mill Hill, The Ridgeway, and the units within Ullswater are currently housing some of the IBSA members. It is the intention to relocate the charity headquarters of Jehovah's Witnesses and its associated accommodation to Chelmsford which is expected to be completed around 2020.

The Council served an Enforcement Notice on the site in January 2015 as the approved 9 units had been subdivided into 36 dwelling units. The Planning Inspectorate considered appeals to both the Enforcement Notice and the refused change of use application from

2015. The decision concluded that there had been a breach of planning control as the approved 2010 permission had not been implemented and express planning permission was required. The Inspector corrected the breach as *Without planning permission, the erection of 36 self-contained flats in a part 3 and part 4 storey building not in accordance with planning permission reference F/02820/10 granted 10 September 2010.* The Inspector in their decision also granted an alternative planning permission for the *erection of 9 (nine) self contained flats in a part 3 and part 4 storey building on land at Ullswater Court 92 Holders Hill Road, London NW4 1LN.* This reflects a variation of the original 2010 permission. The Enforcement Notice was amended to require the applicant to *Cease the use of the building as flats other than in full compliance with the planning permission for 9 flats granted pursuant to appeal reference number APP/N5090/C/15/3005873* and required a 12 month period of compliance from the date of decision (21 June 2016).

The conditions sought for approval within the application were contained within planning permission granted by The Planning Inspectorate. However, it is important to note that the original 2010 permission has expired and the alternative permission granted is a variation of this permission. The assessment of these details should be assessed on their own merits and Planning Officers do not consider it as an opportunity to re-visit the 2010 permission.

Condition 4 (Boundary Treatment)

Condition 4 states:

No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the 9 flats are occupied in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

The front boundary treatment comprises of a low brick base course with metal fence on top. A further 1.5m x 1.5m timber trellis with translucent panels is proposed behind. Further trellises are erected along the side boundaries.

Within the context of Holders Hill Road, there are a variety of boundary treatments, consisting of metal fencing, low brick walls, open frontages and hedging. A number of similar flatted developments along Holders Hill Road (particularly those to the north) have been constructed with similar styled front boundary treatments. Planning Officers consider that based on a number of existing similar boundary treatments within this street, it would be unreasonable to reject the proposed details on this site. A number of the residents have raised issues with the visual appearance of the secondary trellis panels which sit behind the metal railings. Planning Officers do not consider that this element has such a detrimental impact on the character of the site or streetscene that it would warrant a refusal of the details submitted.

Overall, the Planning Authority does not consider that the boundary treatments result in a visually detrimental appearance on the site or streetscene. The details provided are considered acceptable to meet the requirements of condition 4.

Condition 5 (Landscaping)

Condition 5 states:

No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Within the appeal decision report, the inspector acknowledged the concerns raised by the residents about inadequate landscaping to the frontage but ultimately it could be addressed by condition. The Planning Authority considers that there is a balance to be struck between the provision of car parking and additional landscaping. The development on site has been constructed with additional plant at basement level which makes the original layout impossible. The Inspectorate did not find that the development would have a materially harmful effect on parking conditions or increase in the risk to other highway users. Planning Officers have held several discussions with the applicant to reach an acceptable scheme and has secured additional landscaping to the front forecourt with the removal of one of the three existing car parking spaces. In this instance Planning Officers consider that the proposed landscaping details would not result in a hugely different layout to other flatted developments within the area.

In comparison to the 2010 scheme, the areas of hardstanding are located in similar locations within the site and while there is slightly less landscaping towards the front of the site in order to accommodate a second parking space, Planning Officers do not consider there is a significant detrimental difference between the schemes.

The landscaping details submitted within the most recent revised plan are considered to satisfy the requirements of condition 5.

Condition 7 (Ventilation)

Condition 7 states:

Before the development hereby permitted is first occupied and used a 9 self-contained flats, details of the mechanical ventilation system including plant and machinery shall be submitted to, and approved in writing by, the local planning authority. Details shall include sound-insulating measures and material and mounted in a way which will minimise transmission of structure borne sound. The development hereby permitted shall be carried out in accordance with the approved details.

In regards to noise, the Inspector commented that the most appropriate method to safeguard resident's living conditions, noise emitted from plant and machinery can be addressed by requiring details to be submitted to the Council for its approval. The Inspector comments that *Environmental Health officers are best placed to assess the potential impact upon neighbours and any mitigation required.*

In providing comments on the proposal, the Environmental Health Officer comments that the ventilation details and information regarding attenuators have been submitted with this application. Prior to the attenuators being installed, Environmental Health received a complaint from one resident and some basic noise monitoring and found that the noise emitted exceeded the Council's noise criteria. As a result some attenuation at three main points along one side of the building was installed which consisted of external silencer boxes and internal acoustic ducting. This was found to reduce the noise by about 10dB(A).

The applicant submitted initial details and information at the beginning of the process. This was assessed by Environmental Health who requested a further noise report to be submitted. The requested noise report was submitted and considered to be satisfactory by Environmental Health.

The information and details submitted are considered to satisfy the requirements of condition 7.

