

Location **Land Rear Of 123-131 East End Road London N2 0SZ**

Reference: **17/1732/CON** Received: 17th March 2017
Accepted: 21st March 2017

Ward: East Finchley Expiry 16th May 2017

Applicant: safeland plc

Proposal: Submission of details of conditions 3 (Materials) 9 (Cycle Parking/Storage)
11 (Refuse) 12 (Enclosure) 13 (Levels) 18 (Tree Protection Plan) pursuant to
planning permission 16/2025/FUL dated 11/10/16

Recommendation: Approve

Informative(s):

- 1 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.

- 2 The plans accompanying this application are:
 - Proposed Site Plan (4906 Rev. 04)
 - Tree Retention and Protection Plan (ESTENTRP-FEB17)
 - BS5837 Tree Survey, Tree Constraints and Tree Protection for Proposed Development (J:015 BS5837jan16End Rd Finchley BS5837 protection report BJUFC jan17.doc)

All of the above were received on 17.03.2017, except the Proposed Site Plan which was received on 02.05.2017.

Officer's Assessment

1. Site Description

The application site is a triangular plot situated to the rear of properties along East End Road and Sedgemere Avenue. To its East the site borders Sherwood Hall, a group of four, three storey blocks set within a small estate. The site contained a number of garages and was historically used for commercial purposes. The site had been vacant for some time, with the remaining garages in a very poor state of repair and much of the site overgrown. The site is currently being developed without all conditions being discharged. That includes the removal of trees, laying of foundations and erection of external walls. Work has since stopped pending full discharge of conditions.

There are no site planning restrictions and the site is not located within a conservation area.

2. Site History

Reference: 16/2025/FUL

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Approved subject to conditions

Decision Date: 11 October 2016

Description: Erection of 3no two storey dwellinghouses with associated amenity space, refuse storage and provision of 5no parking spaces

Reference: 17/0612/CON

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Approved

Decision Date: 7 March 2017

Description: Submission of details of condition 6 (Demolition, Construction and Traffic Management Plan) pursuant to planning permission 16/2025/FUL dated 11/10/16

Reference: 17/0769/S73

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Approved subject to conditions

Decision Date: 3 April 2017

Description: Variation of condition 8 (Carbon dioxide emission) pursuant to planning permission 16/2025/FUL dated 11/10/2016 for "Erection of 3no two storey dwellinghouses with associated amenity space, refuse storage and provision of 5no parking spaces". Variation include amendments to carbon dioxide emission

Reference: 17/0847/CON

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Withdrawn

Decision Date: 17 March 2017

Description: Submission of details of condition 3 (Materials) 9 (Cycle Parking/storage) 11 (Refuse) 12 (Enclosure) 13 (Levels) 14 (Landscaping) 18 (Tree Protection) pursuant to planning permission 16/2025/FUL dated 11/10/16

Reference: 17/1973/CON

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Approved

Decision Date: 9 May 2017

Description: Submission of details of conditions 14 (Landscaping) pursuant to planning permission 16/2025/FUL dated 11/10/16

3. Proposal

Planning permission was granted for an application for the 'Erection of 3no two storey dwellinghouses with associated amenity space, refuse storage and provision of 5no parking spaces' (Barnet reference: 16/2025/FUL, approved on 11/10/2016).

This application seeks approval to discharge the following conditions pursuant to planning permission 16/2025/FUL, dated 11/10/2016:

- Condition 3 (Materials);
- Condition 9 (Cycle Parking / Storage);
- Condition 11 (Refuse);
- Condition 12 (Enclosure);
- Condition 13 (Levels);
- Condition 18 (Tree Protection Plan).

4. Public Comments

6 public comments were received containing 6 objections. Below is a summary of those public comments:

- Loss of previously agreed 'green screening'.
- Development has a negative impact on the protection of wildlife and the safety of children and pedestrians.
- Developer has removed all screening from the south and west perimeters including the few remaining healthy trees which look to be replaced with a totally unsuitable solid wall/fence with no greenery.
- Developer should keep tree T8 which is a healthy tree that greatly helps to mitigate the pollution coming from all the traffic from East End Road.
- At the committee when the dwellings were approved, the applicant stated that the only trees they would remove were Oak trees that only had 10 years left. They have already removed 2no. Lawson & Leylan Cypress (T6 & T7).
- Planning Committee stated screening was to be maintained. This application is in contravention to that.
- Important that the Borough of Barnet's Planning Department uphold the agreements reached at the Planning Committee meeting.
- Lack of consultation from Local Planning Authority.

5. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS14.
- Relevant Development Management DPD (2012): Policies DM01.
- Waste and Recycling Guidance SPD (2015)
- Residential Design Guidance SPD (2016)
- Sustainable Design and Construction SPD (2016)

6. Assessment of proposal

This application seeks approval to discharge the following conditions pursuant to planning permission 16/2025/FUL, dated 11/10/2016:

- Condition 3 (Materials);
- Condition 9 (Cycle Parking / Storage);
- Condition 11 (Refuse);
- Condition 12 (Enclosure);
- Condition 13 (Levels);
- Condition 18 (Tree Protection Plan).

It is acknowledged that the applicant has started development on the site without discharging all conditions. Work on site has included removing some trees (T6 & T7 due to their incorrect location on the drawings submitted for planning permission and consequently being located within the footprint of one of the proposed buildings) and shrubbery which provided screening to adjacent properties, the laying of foundations and the erection of some external walls. An enforcement case was opened (Ref: ENF/348/17) and the developer was told to cease development until all conditions were discharged. As outlined in the site history section above, all conditions have now been discharged except the 6.no conditions relating to this application. Notably, a landscaping condition has been approved (Ref: 17/1973/CON dated 09/05/2017) which ensures the developer will replace lost trees and shrubbery and put in place an acceptable level of screening to protect neighbouring residential properties. The tree (T8) which has been referred to by the public above has been retained within the approved landscaping plan. The enforcement case currently open will ensure all approved conditions are implemented in full. Below provides an assessment of each condition:

Condition 3 - Materials

The proposed site materials including Terca Brick Cassandra Multi Brick (65mm), Dark Grey Marlet Eternit Cedral weatherboarding, Dark Grey aluminium window frames and black roofing slate are considered acceptable from a visual amenity and character perspective. A site visit was conducted and visual confirmation of the proposed brick was achieved. The proposed paving (Natural Sandstone and Mistral Priora Permeable Block Paving) is also considered acceptable and is expected to complement the site's approved soft landscaping provision (Ref: 17/1973/CON dated 09/05/2017). Consequently, the discharge of condition 3 is recommended for approval.

Condition 9 - Cycle Parking / Storage

The London Plan (2016) requires that 2.no secure and sheltered cycle spaces are provided per 2.no bedroom unit. The applicant has proposed 6.no secured cycle spaces (2x 3 Rawlinson Bicycle Storage Units sized for 2.no bicycles). This would be considered acceptable and in compliance with the London Plan (2016). Consequently, the discharge of condition 9 is recommended for approval.

Condition 11 - Refuse

Details of the proposed timber refuse and recycling storage units were proposed. These are considered to be sufficient to comply with the requirements outlined in Barnet's Waste and Recycling Strategy (2017). An area has been designated on the site for bins to be

positioned for pick-up on collection day. This is considered to be acceptable. Consequently, the discharge of condition 11 is recommended for approval.

Condition 12 - Enclosure

Details of proposed enclosure provision, including adjoining fences / walls have been received and are considered acceptable. Further boundary treatments including hedges and trees, which form a significant part of the site's boundary screening, have been addressed via the aforementioned approved landscaping plan. Consequently, the discharge of condition 12 is recommended for approval.

Condition 13 - Levels

Details of the proposed site levels and their relationship to the adjoining land and public highway were received. They demonstrate no significant level changes which would impact residential amenity. They are considered acceptable. Consequently, the discharge of condition 13 is recommended for approval.

Condition 18 - Tree Protection Plan

A site visit was conducted to review the current status of the trees on site. It is clear that some trees and shrubbery have been removed contrary to the plans submitted at permission stage. One reason for this is two trees (T6 & T7) were incorrectly shown on the plans and upon further review were found to be located within the footprint of a proposed building. Another tree was lost without any consultation, as were some hedging along the boundary. As the site was originally a little overgrown, some of the removal has been in relation to this and some has been unauthorised. It is worth noting that the site is not part of a TPO area. A revised landscaping plan has been approved with acceptable mitigation measures. The Tree Protection Plan therefore relates to existing and future trees and not the landscaping plans included with the original planning permission. The measures proposed in the Tree Protection Plan are satisfactory and are expected to be strictly adhered to. The plan should be read in conjunction with the approved landscaping plan (Ref: 17/1973/CON dated 09/05/2017). Consequently, the discharge of condition 18 is recommended for approval.

7. 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.

8. Response to public comments

Public comments have been received and have informed the conditions applications. An enforcement case was opened to stop unauthorised construction and the approved landscaping plan was revised a couple of times to ensure an acceptable level of tree and shrub protection / replacement in order to maintain appropriate levels of amenity to adjacent residential properties. It is acknowledged that the developer should not have started works on the site until conditions had been discharged, but as soon as the council was informed enforcement action was taken to have the construction works ceased. Due to the incorrect location of trees T6 and T7 during the planning permission stage and therefore their subsequent loss to accommodate one of the approved units, the council understands the stress and confusion this has caused. It is expected that the approved

landscaping plan which includes the retention of tree T8, will protect the visual amenity of neighbouring properties, especially when new replacement trees reach full maturity. As aforementioned, the active enforcement case will monitor the on-going progress of the development and ensure all permissions are implemented in full.

In response to public comments around the lack of consultation, it is worth noting that a Local Planning Authority does not statutorily have to consult with neighbouring properties on conditions applications. However, the council has acted upon public comments in regards to enforcement action and improving the approved landscaping plan.

9. Conclusion

Having taken all material considerations into account, it is considered that sufficient information has been submitted to recommend approval of Condition 3 'Materials', Condition 11 'Refuse', Condition 12 'Enclosure', Condition 13 'Enclosure' and Condition 18 'Tree Protection Plan' pursuant to planning application 16/2025/FUL dated 11/10/2016.

