

Finchley and Golders Green Area Planning Committee 7th September
Addendum to Officers Report

Pages: 5 - 36

The Lodge, Long Lane N3 2PY

Ref: 17/4102/FUL

Amend RECOMMENDATION I to include amended Heads of Terms as follows:

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. Financial contribution of £2000.00 towards costs of altering the Traffic Management Order in Long Lane to provide the new vehicle access.
4. Financial contribution of **£10,000.00** to provide tree planting in the vicinity of the site within Victoria Park.
5. Monitoring fee: £1000.00.

The proposed development would therefore not address the impacts of the development in that it does not include a formal undertaking to alter the Traffic Management Order in Long Lane and would not provide off-site tree planting, and would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (2013).

Amend RECOMMENDATION III as follows:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by **16 October** 2017, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the following requirements:

1. 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. Meeting the costs of altering the Traffic Management Order in Long Lane to provide the new vehicle access.
4. Meeting the costs of providing appropriate replacement tree planting in the vicinity of the site within Victoria Park.
5. Meeting the Council's costs of monitoring the planning obligation.

The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

For both recommendations, the text underlined in bold has been amended from the main report.

Changes to the main report:

Pages 20-22: Public and other consultations

Seven additional objection letters have been received since the main report was written. These raise similar issues to those covered in the main report, and are covered in the discussion there. Additional information noted below expands on these issues.

Pages 29-30: Impacts on Trees

The Council's Greenspaces Manager has requested that the five trees to be provided for in Victoria Park should be of a larger and more mature grade than was envisaged in the contribution noted in the main report, which was £600 per tree to give a total financial contribution for off-site planting of £3000. The costs of planting and after care of the larger grade specimens would be £2,000 per tree, resulting in an increase in this sum as noted above in in the amended Recommendation I of £10,000. The applicant has agreed to this increased sum.

Other additional information:

Clarification has been sought on a number of issues related to the application, and the following additional information has been provided on these points.

1. Covenant – was this sold with the land?

The covenant restricts the use to a single dwelling. It is a 100 year old restrictive covenant on the title and it cannot be removed as it binds the land and is a matter of public record which was passed on with the sale – information provided by Paul Doctors - Property Solicitor.

Please note that covenants are not matters that can be considered under a planning application

2. Will parking be reduced on the public highway to allow access to the development upon completion?

There will be a removal of an on street bay within a CPZ – information from planning report

3. Is there sufficient parking currently?

This will be a Planning Judgement for members of committee to decide – information provided by Planning

4. Is Park View Road in a CPZ?

Park View Road is not in a CPZ – information provided by Highways

5. Are there any other 3 storey buildings in the area

There are other three storey buildings in this area as identified during the update briefing

6. Will there be any amendments / upgrades to the park?

The only amendments / upgrades to the park are the provision for tree planting, which is intended to form part of the future setting of the building. This was set at £3000, which is the figure given in the report. This was based on an estimated cost for planting and aftercare /maintenance of

five trees at £600 each. Following further discussion with Green Spaces, this sum has been increased to £10,000. The applicant has agreed to this increased amount, and this would be secured by a section 106 planning obligation in the event that members resolve to grant planning permission.

7. Where did the responses in favour of the development come from?

The responses in favour came from the following locations – information provided by Planning

- 23 x N3
- 15 x NW11
- 14 x NW4
- 5 x NW7
- 2 x N2
- 2 x N12
- 1 x HA8
- 1 x EN4
- 1 x EN5
- 1 x NW9
- 1 x NW2
- 1 x W2
- 2 x NW6
- 1 x NW1

8. Is the property in use at the moment?

The property is not in use currently – information provided by Planning

9. Where are T2 & T9 trees on the plan?

The trees are shown on the plan at the end of this section of the Addendum report

10. What is the impact on the surrounding trees – i.e. potential damage when the development is being completed?

This is for members of committee to decide whether impact is acceptable – information provided by Planning

11. What are the curved lines on the plan?

The curved lines are a combination of the following:

- *Grey: two features are delineated in grey; (i) tree protection areas around the trees that will be retained, and (ii) outlines of paths within the Park.*
 - *Green: indicative tree canopies of the trees to be retained.*
- In addition, red circles indicate two trees that would be removed within the site. These are lower quality trees (“C” grade as defined in the Tree Survey). The removal of these trees and the fact that there is limited room within the site has supported the requirement for tree planting to be provided for within the Park.*

12. Will the hedge be retained or replaced?

The intention is to retain the hedge except for the access point – information provided by Planning

13. What material is being used for the green area?

Grasscrete will be used; Officers will secure details of material by condition but high quality materials will be sought.

Pages: 121 - 133

Berkeley Court, 39 Ravenscroft Avenue, NW11 8BG

Ref: TPF/0077/17

In respect of the potential heave implications for Golders Green Library, the Council's Head of Insurance says: "Our advisors too are not aware of an insurance product that the property/tree owner can buy so feel it is likely to be a legal matter..... My take on this would be the council's decision to allow the removal under TPO legislation would not override common law liabilities arising out of land/tree ownership and causing heave to neighbouring land by the removal of the TPO'd tree. However as we know it about the risk in advance I presume we would want an indemnity for damage caused rather than have to pursue a civil claim after the damage occurs." He advises further legal advice is sought.

A solicitor for HB Public Law has confirmed that common law liabilities would not be affected and suggested adding an informative requiring an indemnity agreement to be entered into to protect the Council's position.

Page: 67-89

15 Wycombe Gardens, NW11 8AN

Ref: 17/4182/FUL

For clarity, the proposed indicative landscaping at the front includes the grasscrete combined with the retention of the existing two trees at the front and planters along the boundary to soften the appearance of the forecourt.

Pages 45 - 66:
124 Friern Park, N12 9LN
Ref: 17/3192/S73

A Waste Management Strategy has been submitted to outline the refuse storage and collection strategy for the 8 apartments approved under reference 16/7238/FUL dated 16/05/2017.

As noted in the document the primary reasons for this change are as follows:

- To maintain the street scene along Friern Park. There is no precedence for Bin stores on the property frontages. Maintaining a frontage would fall in line with the Council's policy.
- To improve the attractiveness of the scheme. The required size under the council's requirements would create a large structure at the front.
- To deter from litter being left at the front of the scheme.
- To deter vermin from the street.
- Increases the amenity space of Plot 1 at the front of the scheme.
- Reduces the risk of vandalism

It is recognised that the proposed location will exceed the travel distance of 10 meters for a refuse collector when parking on the street. The proposed travel distance is approximately 73m.

The following strategy has been agreed:

Step 1 - Residents dispose of rubbish within the communal bins in the store.

Step 2 - The cleaners move the bins to the pavement on Collection day at an agreed time with the Refuse Collectors.

Step 3 - The Council refuse collectors collect the waste.

Step 4 - The cleaners move the bins back to the bin store

