

Hendon Area Planning Committee 17th October
Addendum to Officers Report

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Land Rear Of 77-79 Hale Lane London NW7 3RU

Ref: 17/5351/FUL

Page 66: Public consultation

Since the report, Councillor Andreas Ioannidis has written the following letter of support:

“Whilst this is outside my Ward, I have read the recent dismissed appeal decision (APP/N5090/W/16/3153473), the documents comprising the application and the Committee Report (due to be presented on 17th October 2017).

It seems clear to me that the Planning Inspector in his assessment of the previous scheme did not question or doubt the ability of the site to deliver housing, with the appeal dismissed due to the building line and detail of the eaves/ridge.

The Inspector also raised no objection to a property that spanned virtually the entire width of the plot, specifically noting it would not appear cramped.

Having read the background appeal and the documents supporting this current application, I wish to offer my support to the proposal and the balanced views of the Committee Report including the recommendation to approve subject to conditions.

As you know there is a pressure to deliver housing within our borough and this site offers an opportunity to deliver a high quality small family dwelling based on architectural principles that are inspiring.

The proposal echoes the ridge and eaves heights of properties along Downhurst Avenue and with the detailing offering an interesting and pleasing appearance. In contrast to the appeal scheme, this proposal provides greater separation to the site boundaries.

In my view, the property itself exceeds standards that, as a Council, we strive to achieve. The proposal would not undermine the quality of the area and has the potential to create positive impacts.

The details provided as part of the application demonstrate that no loss of daylight/sunlight would result for neighbouring properties and it's pleasing to see this level of information provided to assist making reliable judgements.

The applicant is clearly committed to the site and I'm in no doubt that in the event this application were refused an appeal would ensue. Based on the previous appeal decision I cannot see any grounds on which a refusal could be sustained.”

In addition, an additional objection letter was received with the following comments:

- “The Planning Inspector totally misdirected himself [with regards to minimum separation distances being met] so the Council are totally within their rights to reconsider this position. Minimum separation distances are not related to outlook whatsoever but are standards to protect privacy. Reference has been made to the existing shed in my rear

garden of No.79 obscuring the view of any new development but my shed is in the wrong location to act as a visual barrier.”

- The small size of the rear garden of no.79 Hale Lane has not been considered especially as garden is south facing and any impact on amenity would be significant. Inspector failed to address concerns regarding loss of light, increased sense of enclosure and visual harm to amenity.
- Building still breaches strong building line along Downhurst Avenue

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Pillar Chapel, 19 Brent Street, London, NW4 2EU

Ref: 17/5351/FUL

Late objections received on the application summarised as follows:

- When the hostel became a hotel, a condition was imposed stating that no marquees or similar structures shall be erected within the curtilage of the building.
- However marquees have appeared on the site without consent for the structures and without licensing consent for events.
- The proposed conditions will not be enforceable.
- Even without amplified sound and music conditions, the presence of 175 people will be audible.
- Concerned that the marquee will be used as overspill from hotel events.
- Dispersal of people leaving the premises in the evening has always been disruptive and the conditions will not be able to satisfactorily control this.
- The dismantling of a marquee would be disruptive and the period of the erection and removal would result in the marquee being in place for around 40 days per year.
- The scheme would still remain harmful to residential amenity
- The scheme is of no benefit to the community and only employees of the hotel have expressed their support.

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Land North of Garrick Estate, Garrick Industrial Centre, Irving Way NW9 6AQ

Ref: 17/3350/FUL

Recommendation should read as:

Approve subject to legal agreement.

RECOMMENDATION I:

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. A requirement that the applicant shall enter into a Strategic Travel Plan that seeks to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion.

4. A contribution of £25,000 towards the monitoring of the Travel Plans for the development.
5. Secure a Stopping Up of the existing public highway within the site under TCPA Section 247.
6. The applicant to provide commitment to construct a new turning head to replace the existing being replaced by the proposed development to adoptable standards and to offer newly constructed turning head for adoption under S38 of the Highways Act.
7. Associated works on public highway to further the development to be carried out under S278 of the Highways Act.
8. A contribution of £1500 towards the monitoring of the S106 agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management/Head of Strategic Planning:

(Followed by conditions)

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 02/09/2016 , unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to produce a full Travel Plan and meet the associated monitoring costs of the travel plan. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
2. The proposed development does not include a formal undertaking to undertake necessary highways works. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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Paragraph 7 should read as:

- o Stopping Up of the existing public highway within the site under TCPA Section 247.
- o The applicant to provide commitment to construct a new turning head to replace the existing being replaced by the proposed development to adoptable standards and to offer newly constructed turning head for adoption under S38 of the Highways Act.
- o Any associated works on public highway to further the development to be carried out under S278 of the Highways Act.
- o A contribution of £25,000 towards monitoring the objectives of the Travel Plans will be required.

Condition 6 should read as:

a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition and ground works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

Condition 8 should read as:

a) No development other than demolition and ground works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

Condition 19 should read as:

The premises shall be used for B1 (b) B1 (c), B2 -food production or B8 and for no other purpose (including any other purpose in Classes B, B1 or B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

Condition 22 should read as:

- a) The development is required to meet the BREEAM very good; level.
- b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

The following additional condition should be added this is to be numbered condition 23:

- a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Informative 1 should read as:

The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £105700.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £0.00 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the

Department for Communities and Local Government at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.