

## WEST AREA PLANNING SUB-COMMITTEE

12 June 2012

### ADDENDUM TO ACTING ASSISTANT DIRECTOR OF PLANNING & DEVELOPMENT MANAGEMENT'S REPORT

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All references in the recommendations which refer to the Assistant Director of Planning and Development Management should be amended to refer to the "Acting Assistant Director of Planning and Development Management"

#### **Pages 217-228 39A and 39B Flower Lane**

Site is in Mill Hill ward.

Amendment to condition 1:

"The development hereby permitted shall be carried out in accordance with the following approved plans: A145\_001 Revision PL01, A145\_002 Revision PL01, A145\_101 Revision PL01, A145\_003 Revision PL04, A145\_004 Revision PL01, A145\_005 Revision PL01, A145\_006 Revision PL04, A145\_015\_PL03 Fire Vehicle Turning Circle, A145\_115\_PL05 Proposed External Lighting (rec'd 11/6/12), A145\_115\_PL04 Proposed Block Plan Proposed, A145\_115\_PL04 Proposed Site Plan, A145\_111 Revision PL04, A145\_112 Revision PL04, A145\_113 Revision PL04, A145\_114 Revision PL04, A145\_301 Revision PL01, A145\_302 Revision PL01, A145\_303 Revision PL01, A145\_304 Revision PL01, A145\_311 Revision PL04, A145\_317 Revision PL04, A145\_318 Sheets 1 and 2 of 2 Revision PL04, A145\_319 Revision PL04, A145\_320 Revision PL04 A145\_321 Revision PL03, A145\_402 Revision PL02, Design and Access Statement, Environmental Appraisal of Lighting - WSP May 2012".

Reason:

For the avoidance of doubt and in the interests of proper planning.

Amend condition 3:

"Before the development hereby permitted commences on site, details of all external lighting (to include the number, power, lux levels and controls) shall be submitted and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with these approved details and in accordance with plan no. A145\_015\_PL05 (Proposed External Lighting) and report "Environmental Appraisal of the lighting proposed at 39A and 39B Flower Lane" WSP - May 2012.

Reason: To ensure the proposal does not impact on the University of London Observatory.”

Comments received following consultation on amended plans:

Replies: 2 from residents

- Overlooking from second floor front window
- Mature boundary trees should be retained
- Amended plans do not address any of the concerns raised by 1 objector
- Application is invalid and cannot be determined by the Sub-Committee as an incorrect ownership certificate was submitted with the original application and the period for determining the application (8 weeks from registration) has lapsed
- Relevant considerations have been disregarded and not mentioned in the report. Report also fails to disclose that drawings and other documentation submitted contain false, inaccurate, inconsistent, incomplete and/or misleading representations
- Inadequate consultation. Officer report written before consultation period had expired and planning department aware of Observatory’s response to Lighting Report.
- Outstanding complaint about serious irregularities in department’s handling of this case
- Supporting documentation not been amended in line with drawings, so precludes a realistic and valid consultation process
- Certain conditions do not address concerns raised and some are unenforceable
- Disregard for public health risk and loss of amenity posed by inadequate arrangements for disposal of sewage

A further letter received from the Observatory, together with a report from their consultant:

The Observatory comments as follows: Although grateful for amendments currently submitted, objection maintained until following points are resolved:

- External lighting: serious reservations about 66 external lights proposed and impact on observational work of Observatory. Any further changes or additions should be subject to permission of ULO in perpetuity. Request a covenant on the properties restricting any change to external lighting
- Current design of buildings held under covenant or permitted rights removed
- Condition that trees along boundary must be maintained and replaced
- Applicant should provide a written statement confirming number and sizes of windows, drawings not clearly dimensioned
- Development will in reality pose a considerable threat to future of this world class institution. Permitted development rights should be removed

The report submitted by the consultant concludes as follows:

“It is acknowledged and welcomed that the applicants have made a number changes to the plans in response to concerns from the ULO.

The changes to the rear windows largely address that element of concern and so the ULO would not now propose further changes to fenestration, subject to the application of conditions removing Permitted Development Rights.

The large number of garden lights, despite their FCO design, raises new concerns. We would submit that the number of rear garden lights be reduced and that the applicants be requested to submit clear details of the control gear for all external lighting. PIR is a suitable control, but currently it is not known which lights would operate via this switching method.

We welcome the omission of wall mounted lights on elevations facing the ULO and subject to control by PIR, would not now propose further changes to wall mounted exterior lights, subject to conditions requiring any changes to be subject of express consent from the LPA and consultation with the ULO.

In respect of the garden lights, we would submit that all the lights beyond the patio area and first set of adjacent steps (shaded area in drawing A145\_015\_PL-03) be omitted.

The remaining lit area (lit by shielded low level brick lights) of the patio (currently showing 11 lights for each property) could be acceptable to the ULO subject to submission of further details on numbers, power, lux levels and controls.”

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**Pages 127-136**  
**137 Hendon Way**

2 additional objections received with photos:

- Copy of Part Wall Matter letter.
  - Unacceptable development.
  - Require an enforcement visit as the works are on a very advanced stage.
  - Several self contained flats have been constructed at the back of the garden ‘sheds with beds’
  - Large wastepipe running from the main house to the shed – for toilets.
  - Loss of privacy and noise.
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**Pages 93-102**  
**20 Beechwood Avenue**

2 additional objections received.

Objection summary:

- Loss of views and light
- Proposals overbearing and result in overdevelopment
- Light pollution
- Basement water drainage issues
- Proposed new garage is visually obtrusive
- Rooflights should be obscured and fixed shut to reduce potential loss of privacy
- Overbearing development

Informative 2 should be included:

The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £12680.50.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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](http://www.planningportal.gov.uk/cil)

You will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

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**Pages 35-52**  
**79 West Heath Road**

3 objections received and 2 people wish to speak.

Objection Summary:

- Overlooking
- Development will block sunlight
- Too close to neighbouring property causing issues with maintenance and access
- Object to building being wider
- Object to size of building and basement
- Overdevelopment
- Development will alter the character of the area
- Site used as general rubbish dump
- Loss of privacy
- Object to increase in size and scale

Those objections are considered to have been addressed in the officer's report.

Condition 1 should now read as follows as amended plans have been received:

The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design and Access Statement, Dated May 2012; Arboricultural Method Statement, Dated 9<sup>th</sup> March 2012; Construction Management Plan; Tree Protection Plan – Rev A, Dated June 2012; Plan No's: 000-OS; 000-01; 010-OS; 000-02; 000-03; 040-01 A; 040-02 A; 040-03 A; 040-04 A; 040-05 A; 040-06 A; 040-07 A; 010-LG A; 010-OG C; 010-01 B; 010-02 A; 010-0R A; 010-03 A; Email from Agent (Mr Spry), Dated 17/05/12, 28/05/12 & 29/05/12).

Reason: For the avoidance of doubt and in the interests of proper planning.

Informative 3 should now read:

The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £13615.00.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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### **Pages 163-170** **58 Clifton Gardens**

2 objections received.

Objection summary:

- Object to first floor window
- Overlooking
- Loss of light
- Concerns about proposals impacting established trees and shrubs
- No use of flat roof as balcony
- Impact of air conditioning unit
- Impact on street parking

Those objections are considered to have been addressed in the officer's report.

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### **Pages 229-236** **Windsor Open Space**

1 further objection received (after expiry of consultation period), but does not raise any additional ground to those already covered in report.

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**Pages 75-86**  
**261 Hale Lane**

Delete condition 1 which was included in error.

The address of the site has been clarified as '261 Hale Lane', the word former should be omitted.

3 additional objections were received with similar objections to those previously expressed. This gives a total of 16 objections.

1 additional comment was received after the consultation expiry date, stating that

- *'The overwhelming majority of residents in the roads surrounding this school development are deeply concerned about the noise factor surrounding this development.'*
- *'The changed and increased addition of a further substantial "covered" area adjacent to the playground, which has already been increased in size beyond the original planning consent'*
- *'I understand that a restrictive covenant which applies to the playground and all outside areas within the school's perimeter will apply to the completed canopied area.'*
- *'This covenant is vital to the well-being of this area; I hasten to place on record that should an attempt be made to alter or change the wording of this restrictive covenant in any way whatsoever all residents of the surrounding homes must be informed with detailed advice.'*
- *'Time must be allocated for a suitable meeting with residents to consider the position and a detailed response before committee should to be made to Council.'*

A condition is proposed that would restrict the use of the canopy along with the playground.

The applicant has advised that they no longer wish for the variation of the condition from 'Very Good' to 'Good' to be considered as there is a possibility that the scheme can meet 'Very Good' Standard.

**Amend condition 5 to read:**

*'The non-residential development is required to meet 'Very Good' generic environmental standard (BREEAM). 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.'*

Page 84 refers to works to construct the security hut being done before consent was obtained. To clarify, details relating to tree works were submitted to the Council however the condition was not discharged as they were not entirely satisfactory. However, the works have now been done without harmful impact on protected trees.

Amend condition 6 to read:

Within 3 months of this grant of permission, the applicant shall implement measures contained within the Emtec's Noise Test Report dated 17<sup>th</sup> April 2012 to reduce the level of noise from plant equipment, **and shall paint the ducting 'RAL 04C37 Autumn Brown' colour to the satisfaction of the Local Planning Authority.**

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties

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### **Pages 153-162**

#### **100-102 Leaside Crescent**

2 further support letters received (after expiry of consultation period).

Objections summary:

- Synagogue provides warm and welcoming place for our residents who attend prayers there daily.
- There is no doubt that our residents have gained immensely from its use which we only hope will be allowed to continue.
- Over the past decade, the Jewish community in Barnet has grown greatly and with this growth the need for new synagogues which are central to the fabric of our community, has followed. It was clear that such a new synagogue was indeed necessary.
- Provides an Ashkenaz liturgy and the customs of the Litvish practice to many existing and new families who otherwise had no possibility of synagogue affiliation.
- Kehillas Ohel Moshe has a membership approaching 90 families and has become fully integrated within the network of synagogues of Golders Green and Hendon.
- Provides a unique service both to its own members and the wider community.

Those comments are considered to have been addressed in the officer's report.

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**Pages 103-112**

**First, First House, Dollis Avenue, London, N3 1TX**

Summary of 1 further objection received:

- Lack of initial consultation
- Overlooking of house and garden
- Loss of light
- Impact on property value
- Site inspection needed

Those objections are considered to have been addressed in the officer's report. Consultation was carried out in line with the Council's approved procedure.

Condition 7 should be removed.

Policy D13 should be added to informative 1.

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**Pages 171-176**

**45 Hampstead Way**

3 of the objectors including one of the speaking objectors have advised that they no longer object to the application subject to the conditions listed in the officer's report to committee and a personal arrangement with the applicant.

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**Pages 193-200**

**206 Watford Way**

Amended plan received showing removal of 1no. parking space and additional amenity space.

Amend condition 1 to read:

The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 4249 01, 4249 02 amendment received 22/05/12, 4249 03 A, 4249 04A.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Highways officers are happy that 2 spaces as opposed to 3 would have an acceptable impact on highways terms.

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**Pages 137-152**  
**11 Garrick Avenue**

Informative 2 should now read:

The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £9,396.80 (on the base of 268.40 sqm gross floor space).

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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](http://www.planningportal.gov.uk/cil)

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**Page 63-74**  
**201 The Vale**

Informative 2 should be included:

The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £6125.00.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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](http://www.planningportal.gov.uk/cil)

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**Page 185**  
**30 Sunny Gardens Road**

Amendment to description of the application to read:

Conversion of existing 3 flats into 5 two-bedroom flats by creating new basement. Three storey rear extension. Roof extension with a rear dormer window and a total of 9no. rooflights to facilitate a loft conversion. Provision of **4no.** off-street parking. Landscaping and associated works.

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**Page 193-200**  
**206 Watford Way**

Amend condition 3 to read:

Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 4249 04A shall be provided and shall not be

used for any purpose other than the parking of vehicles in connection with the approved development.

**Reason:**

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

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