

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

**Reference:**                      **17/5396/CON**

Received: 18th August 2017

Accepted: 18th August 2017

Ward:                              Finchley Church End

Expiry 13th October 2017

Applicant:                      IBSA

Proposal:                      Submission of details of conditions 4 (Boundary Treatment) 5 (Landscaping)  
pursuant to planning appeal APP/N05090/C/15/3005873 dated 21/06/16

**Recommendation:** Approve

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his/her absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

**Informative(s):**

- 1      The plans accompanying this application are:

A47 (Ullswater Court - GA External Front)

- 2      In accordance with paragraphs 186-187, 188-195 and 196-198 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.
- Residential Design Guidance SPD (2016)

### **2. Public Consultation**

The application is being referred to committee as a result of local interest and discussions held at the previous committee meeting on these condition elements.

2 responses have been received, comprising of 1 letter of objection and 1 letter of comment:

The letter of objection raises the following material considerations;

- Residents of HHR are pleased that the proposal includes the removal of white plastic panels from the frontage and also the cycle store on the north boundary;
- However, objection remains to the proposed retention of two parking spaces at the front of the building.

The letter of comment raises the following material considerations:

- Proposal fulfils the agreed amendments previously discussed between neighbouring residents and Officers.
- Residents of Aspen Court do not have an issue over the two remaining spaces.

### **3. Assessment 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).

Approval for these condition elements were previously considered by the committee and were refused at the meeting of 14 June 2016. Since then, a number of amendments have been to the proposal and are addressed within this application.

#### 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. In terms of boundary treatments within the area, the Council will acknowledge that the character of boundary treatments within the locality is wide ranging and mixed. At the adjacent No.98 and Rochester Court, there is a high verdant hedge along the front boundary, while at Aspen Court which has low railings and thick evergreen hedge.

In terms of amendments in this application, the proposal will now remove the trellis with translucent panels to the front of the area of hardstanding, while the translucent panels from the bin store will be removed. In addition, the bike store sited along the side boundary with No.98 will be completely removed, with bike rack provision provided in the undercroft.

Overall, the proposed removal of trellis is considered to reduce the amount of clutter at the front of the site and the removal of translucent panels removes a hard visual element from the site. The presence of a singular low metal railing is considered to be more in keeping with the streetscene and would provide a further improved streetscene appearance from the previous refused scheme. As such, 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.*

At present, the area of hardstanding to the front of the site comprises of 16% soft landscaping through verges or strips of landscaping. It has capacity to accommodate 3 parking spaces. During discussions with the applicant, the percentage of landscaping has been increased to 29% and 1 parking space has been removed from this area. Overall, the proposed landscaping details are considered to be acceptable and provide an appropriate mix of hard and soft landscaping and would be comparable to other flatted developments within the wider street.

[illegible]