

Hendon Area Planning Committee 18th January 2018
Addendum to Officers Report

Pages 37 – 54

Address: 2 Sherwood Road, London, NW4 1AD

Ref: 17/6748/FUL

Additional basement impact condition.

- a) No development shall take place until a Basement Impact Assessment has been submitted to, and approved in writing by, the Local Planning Authority.
- b) The development shall be constructed in accordance with the Basement Impact Assessment as approved under this condition. The basement construction shall be watertight in accordance with BS 8102, the pile wall shall be adequately propped and groundwater monitoring shall be completed as set out in the BIA.
- c) Prior to first occupation of the development, a report by a UK Registered Ground Engineer shall be submitted to and approved by the Local Planning Authority that states that the development has been implemented in accordance with the approved Basement Impact Assessment.

Reason: To safeguard the risk of flooding to the site and neighbouring properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

Pages 89 - 108

Address: 7 Hollies End, London, NW7 2RY

Ref: 17/5741/FUL

Condition 1 (Approved Plans) should read as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: 1540.P.01, 1540.P.02, 1540.P.03J, P1540.P.04 H, 1540.P.05.H, Arboricultural and planning integration report dated 8/09/2017, design and access statement dated September 2017, Drawing En-titled Arboricultural Impact Assessment dated September 2017, Drawing En-titled Trees Constraint Plan dated September 2017, Tree Protection Plan dated November 2017.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

Deletion of Condition 15 (Cycle Parking) – Duplication of condition.

Pages 109 - 124

Address: 104 Millway

Ref: 17/6437/S73

Amended description

Variation of condition 1 (Plans) pursuant to planning permission 16/8021/FUL dated 10/02/2017 for "Demolition of existing building and the erection of a two storey building with rooms in roof space to provide 6no self contained flats. Relocation of vehicular access and associated car parking and landscaping" Amendmends include changes to windows and door to all elevation and levels, re-arrangement internal floorspace, alterations to roof and footprint.

In respect of the 5 letters of support, the following issues were raised:

- The elevations are far superior than those previously approved.
- The internal changes also constitute a better fit for the proposed development
- The proposed development will be more in keeping with the existing development across the road.
- Permission has already been granted to demolish the property. These alterations constitute an enhancement to the existing building.

Pages 125 - 138

Address: 9 Edgwarebury Lane, London, HA8 8LH

Ref: 17/5781/RCU

A letter has been received from Mr Rupert Goldmeier on behalf of the applicant setting out the following issues:

- The application is a change of use from A1 to A3 and would be a kosher restaurant serving the large Jewish community in the area.
- A supporting statement was made to the Council by Ms Levy to assist the Council in its decision making process which summarised the need for a kosher restaurant of the kind operating and is the only one of its type in the town centre given its focus on milk based products.
- Based on this information, the LPA advised that they would recommend planning permission and because of this information, the applicant proceeded to carry out changes to the premises.
- The Council then went back on their earlier indication to approve and resolved to recommend refusal to the Planning Committee.
- A change of recommendation of this kind should not occur and the applicant has incurred losses.
- The LPA is legally estopped from refusing planning permission given its earlier direction in respect of a recommendation to approve the application

and the applicant will seek compensation as a result if planning permission were to be granted.

Page 129 under the heading “5.2 Main issues for consideration” the report should read as:

1. Whether the change of use would harm the vitality or viability of the Edgware town centre
2. Whether the change of use would harm neighbouring amenity

The following text should be added to section 6 (equality and diversity issues)

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Tackle prejudice, and
- (b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- Age;
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It is considered that the applicant is within a protected group (disability). It is acknowledged that the proposals would benefit a member of the family who does have a disability.

S149 (5) of the Act requires that the Council have due regard to the need to:-

'(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding'

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on the applicant.

An informative is added to the recommendation as follows:

Notwithstanding the information set out in the description and the application form, no new car parking is proposed or retained within the development.

Pages 55-73

Address: Former White Bear

Ref: 17/7208/FUL

Section 2 – site history of the report should include:

Reference:15/03923/FUL

Address: 56 The Burroughs, London, NW4 4AN

Decision: Approved subject to conditions

Decision Date: 10 September 2015

Description: Demolition and rebuild of the front north west facade and part north east facade in the same location to match the existing appearance.

Page 68 the fifth paragraph should include a line to say:

Although total demolition of the building was not intended, the applicants reasonably interpreted that total demolition had been accepted when considering the applications collectively.

Pages 149-158

Address: 77 Station Road

Ref: 17/6893/FUL

The following text should be added to section 6 (equality and diversity issues)

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

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- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
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- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

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