

## West Area Planning Sub-Committee

05 September 2012

### Addendum to the Report

#### 2 Elm Walk – Page 1

A current objector has provided further representation in response to the additional information submitted by the applicant.

This further representation (in the form of the latest SLR report dated 31 August 2012 provided by one of the objectors) has reviewed by the Council's Building Control Department Principal Structural Engineer who has made the following additional comments:

1. With regard to the effect of basements on groundwater flow, no. 2 Elm Walk is a detached building and the ARUP report for Camden states 'A solitary, isolated basement which intersects the groundwater table is unlikely to affect the groundwater flows in the wider area: the water will simply flow around the obstruction.'
2. The ARUP report also states that local changes in groundwater level may occur with isolated basements, however the Chelmer report recorded ground water seepage only and the boreholes were dry.
3. SLR refer to problems of constructing basements in the claygate beds but no specific cases were provided.
4. Further groundwater monitoring is recommended in the Chelmer report before construction works.
5. A drained cavity basement is appropriate where a low level of water ingress is anticipated.

Subject to the results of the further groundwater monitoring the Building Control Department Principal Structural Engineer remains of the view that the Chelmer assessment is correct and the basement is unlikely to have a significant impact on groundwater flows. However it is suggested that a watertight basement construction in accordance with BS8102 is more appropriate for this site than a drained cavity construction.

On this basis, an additional condition is to be added to this recommendation:

*No development shall take place until a method of basement construction statement has been submitted to, and approved in writing by, the Local Planning Authority.*

*Reason:*

*To safeguard the risk of flooding to the host property and neighbouring properties.*

The wording of condition 4 should be amended to read:

*Notwithstanding the provisions of any development order under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and reenacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority: The insertion of windows in any part of the approved development, other than those shown on the approved plans.*

Reason:

*To safeguard the amenities of neighbouring residents.*

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#### **4 Manor Park Crescent Page 15**

##### **Amend Recommendation I to read.**

*“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      **Libraries (financial)**      **£1,455.00**  
*A contribution towards Library Facilities and Resources in the borough**
- 4      **Health**      **£13,841.00**  
*A contribution towards Health Facilities and Resources in the borough**
- 5      **Highways Improvement (local to the site)**      **£15,000.00**  
*A contribution towards local highway improvements within the vicinity of the development.**
- 6      **Highways (controlled parking)**      **£2,000.00**  
*A contribution towards the cost of required changes to an existing scheme or creation of a new scheme for controlling parking within the vicinity of the development. This will include a provision preventing residents student from obtaining residents parking permits.**
- 7      **Monitoring of the Agreement**      **£2,491.84**  
*Contribution towards the Council's costs in monitoring**

*the obligations of the agreement.*

**8 Special Site-Specific Obligation £0.00**

*Undertaking to provide a community access plan with details of which rooms are available for public use and what uses they are available for, proposed rents and management arrangements.*

**9 Requirement to submit Travel Plan £5,000.00**

*Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.*

**10 Special Site-Specific Obligation £0.00**

*Submission of a management plan to ensure occupation by full time Students enrolled on further education courses at this institution. Further, to provide details of management arrangements at the facility, showing that students are registered with the college on site at 4 Manor Park Crescent. The college shall provide proof of payment of course fees on request from the Council within 21 days on request for any student living at the flats approved.*

**Remove reference to education contributions to Recommendation III**

*'The development does not include a formal undertaking to meet the extra libraries and health services costs together with associated monitoring costs arising as a result of the development, contrary to Policies CS2, CS8, CS13 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Libraries, Supplementary Planning Document - Contributions to Health, policy DM13 of the Development Management Policies (Adoption Stage) 2012, and Policy CS15 of the Core Strategy (Adoption Stage) 2012'*

**Amend condition 4 (obscure glazing):**

*Add....,as indicated on the approved drawings".*

**Replace condition 20 with:**

*'With the exception of the proposed community uses, the use hereby permitted shall not be open as a college, before 9am or after 5pm on weekdays, or at any time on Saturdays, Sundays or Bank Holidays. The proposed community uses shall not be open before 9am or after 6pm on Saturdays, Sundays or Bank Holidays.'*

*Reason:*

*To safeguard the amenities of occupiers of adjoining residential properties.'*

**3no. Additional letters have been received since the time of the writing of the report.**

**These state that**

*A. The above named property has been used without planning consent for approx the last 18 months as a) A language school b) A building trades school and and c) A hostel of 10 flats in a building that was originally a "designated community building".*

*B. A false declaration has possibly been made regarding whether anyone is living in the property. When enforcement investigated this in September 2011 they were informed that there were no residents. However, 10 flats were subsequently registered for council tax and this was back dated to February 2011, so clearly this was incorrect. Surely this was a false statement?. The application that you are considering requests accommodation for students but I have been informed that the people living there currently have been re-housed from either Islington /Enfield councils.*

*C. There seems little reason for the company owning this property to be registered in the British Virgin Isles other than for tax avoidance reasons. Little or no tax from this is ever likely to benefit the UK. Furthermore, if those living there currently are being sent by councils then we, council tax payers, are paying for it.*

*D. Regarding parking, those of us in the area are already feeling the effects of non-residents parking in the road. It would seem likely that this will only get worse with more students & residents in this building. There is also the worry that the time might come when people here can be allocated permits to park in the controlled parking zone. There is no extra parking available at all and it is already very difficult to find a space in the evenings.*

*E. Crime. Any incidents involving any residents or students of the above address must not be used in conjunction with any licensing issues regarding "The Three Wishes" and used against the pub/ It would be a shame if Edgware's remaining watering hole was effected by the possible criminal behaviour of a few.*

*F. Security. It seems that the planners may have overlooked the seriousness of having " transient" students unchecked in such close proximity to the synagogue. No one can guarantee that an extremist cell doesn't infiltrate the school as students residing in the accomodation and mount a Mumbai style attack on the synagogue on either a sabbath or high holy day .The company requesting the planning application cannot guarantee such a scenario could or would not happen. Having an unchecked amount of students could potentially be disastrous for the synagogue.*

*G. There seems to be a failure in a planning system that will allow large companies to steam roller over the views and feelings of local residents in favour of profit by using hotshot expensive lawyers to exploit loopholes. On this occasion I see no actual benefit to the local community or to the national economy in approving this application.*

*I am not against companies /people making large sums of money as long as this does not impact on the lives of local residents which this application surely does.. The only benefit seems to be some small contribution regarding extra services paid to the council which is then recouped in the way of benefits paid out by other authorities.*

The additional objections are noted and it is considered that these are predominantly addressed within the report.

Specifically:

- It is noted that the building has been used unlawfully however this is not grounds in itself to withhold permission
- It appears that there are up to ten flats at the site. This does not form part of the current application.
- Noted, however the location of the applicant's business is not reason to withhold permission
- It is not considered that the proposals would result in materially increased crime or anti-social behaviour
- It is not considered that the proposed use would provide any material security risk. There would be nothing preventing students occupying any other property in the vicinity. The site is an edge of town centre location and the use is considered appropriate.

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### **194-198 Broadfields page 33**

Report missing Recommendation 1, please insert the following:

#### **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** **Requirement to submit Travel Plan** **£5,000.00**  
Requirement to submit a Travel Plan for approval by the Council prior to

first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.

**Replace condition 10 with:**

*'Before the building hereby permitted is occupied the proposed window(s) in the east elevation facing 4 Hamonde Close shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.'*

Reason:

*'To safeguard the privacy and amenities of occupiers of adjoining residential properties.'*

***An additional letter has been received from a neighbouring resident since the time of writing the report.***

*'It is noted that the plans have been reduced in terms of the first floor to half of what was first proposed but notwithstanding this the sight lines and visual impact from our rear elevation remain the same and it will still have an impact on our house by way of its scale and appearance.'*

*'The proposals still seek to build the ground floor out to our demise line and bring the building adjacent to our rear fence line and this will in turn also have a significant affect on our privacy and the feeling of being overlooked will be significant.'*

It is considered that these comments are addressed in the report. The additional ground floor projection is not considered to materially harm neighbouring amenity.

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**108-110 Stonegrove page 49**

Add additional informative

*'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.*

*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.*

*If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)*

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## **98 Great North Road – Page 63**

A third informative is to be added, and should read as follows:

3. 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 £16,800.

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.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

The Highways department has sent formal comments and have not objected to the proposals.

Policy M11 and M14 of the UDP and DM17 of the emerging Core Strategy should be added to Informative 1 on page 64 and the list of policies on pages 65 and 66.

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### **92 -94 Hillview Gardens page 83**

#### **Amend condition 3:**

“The landscaping scheme shall be implemented in accordance with submitted landscaping plans drawing no.HD/539/4006.”

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### **48-50 Finchley Lane page 73**

#### **Amend condition 8:**

*Add “...Samples of the glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.”*

*Reason: To safeguard neighbouring privacy and amenity.*

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