

<u>MEETING</u> PLANNING COMMITTEE
<u>DATE AND TIME</u> MONDAY 22ND MAY, 2017 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	ADDENDUM (IF APPLICABLE)	3 - 14

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PLANNING COMMITTEE

22 May 2017

ADDENDUM TO THE OFFICER'S REPORT

AGENDA ITEM 5

17/0233/FUL - 194 - 196 Cricklewood Broadway, London
Pages 53-114

Report front page erroneously reports that the application site is within the Edgware ward when it is in fact within the Childs Hill ward.

The Heads of Terms for the Section 106 Agreement to be amended as follows:

Affordable Housing

A minimum of 14.6% (14) of the residential units to be provided at an affordable rented level (20% discount on market rent).

Employment and Enterprise

The applicant will enter into a Local Employment Agreement with the Council and will provide a range of opportunities (subject to reasonable endeavours) to include apprenticeships, work experiences, school/college/university site visits and workshops along with end use jobs within the development as set out in the Employment Agreement, unless otherwise agreed in writing by the LPA.

Paragraph 6.31 – there is reference to a 13 metre separation distance between the facing elevation, **this is an error** arising from erroneous scaling from the plan. The separation distance between the facing elevations is 22 metres, in excess of the recommended minimum.

Paragraph 14.26 – the following table should be included:

Residential Walk/Public Transport trips.

Period	Walk/Public Transport Trips		Two way Trips
	In	Out	
AM Peak (08:00 - 09:00)	11	42	53
PM Peak (17:00 - 18:00)	21	9	30
(07:00 - 22:00)	224	222	446

Condition 6 to be amended to read as follows (specifying that condition only related to residential element:

- 6) *Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the residential element of the development hereby permitted shall not be*

occupied until details are submitted to the Local Planning Authority and approved in writing which specify:

- (a) the siting and design of all privacy screens that are to be installed as part of the development and*
- (b) a schedule of the parts of the development hereby permitted that are to be used for amenity purposes and those which are to be restricted access for maintenance only.*

Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan.

Condition 20 to be amended to read as follows (splitting condition into separate residential and retail elements and amended trigger to pre-occupation):

- 20) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first occupation of the residential development, details of the refuse and recycling collection arrangements for the residential element of the development shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling strategy shall thereafter be implemented in accordance with the approved strategy.*

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

New condition to be added to read as follows

- 21) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first occupation of the retail development, details of the refuse and recycling collection arrangements for the retail element of the development shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling strategy shall thereafter be implemented in accordance with the approved strategy.*

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Condition 26 to be amended as follows (typo):

- 26) The CHP plant hereby approved must not exceed the Band B Emission Standards for CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document. Prior to the installation of the CHP, evidence to demonstrate compliance with these emission limits shall be sent to and approved in writing by the Local Planning Authority for approval. The CHP plant shall have dry NOx emissions not exceeding 40 mg/kWh (0%).*

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

Condition 28 to be deleted.

Condition 29 to be amended to read as follows (amending trigger to prior to occupation of retail development):

- 29) *Prior to the first occupation of the retail element of the development, a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and outlines measures to be implemented to address its findings, shall be 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. The measures approved under this condition shall be implemented in their entirety prior to the first occupation of the retail development and retained as such thereafter.*

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

Condition 41 to be amended to read as follows (specifying that condition only relates to residential element):

- 41) *Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken in r without the receipt of prior specific express planning permission writing from the Local Planning Authority on the residential element of the development hereby approved:*

- *The installation of any structures or apparatus for purposes relating to telecommunications on any part the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.*

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01 Barnet Local Plan.

The following paragraphs are added to Section 4 (Public Consultation) of the committee report:

Since the publication of the committee report, a collective letter of support (262 residents) has been received. Please note that this collective letter of support is not considered to be a petition as it does not contain any signatures.

A summary of the support is set out below:

- *The school will be an asset to the community*
- *Approving the application will mean residents will have a school in the most sensible location*
- *The school does not pose a threat to highway or pedestrian safety.*

An amended plan indicating the absence of an effluent tank has been submitted. This is to confirm that the effluent tank does not form a part of the current application.

To that end, Condition 1 which relates to plan numbers will be amended to read as:

- Location Plan – 6APFS105/P/050.005 Rev 0
- Existing Block Plan – 6APFS105/P/050.010 Rev 0
- Proposed Block Plan – 6APFS105/P/050.015 Rev A
- Proposed Elevations – 6APFS105/140.010 Rev 1
- Proposed Elevations – 6APFS105/140.015 Rev 0
- Proposed Elevations – 6APFS105/140.010 Rev 1
- Lighting Plan – 6APFS105/E/600.01 Rev 1
- Ecology Report
- Transport Assessment
- Travel Plan
- Noise Report
- Planning Statement February 2017 Rev 0
- Email from agent confirm hedge will be retained - 11 May 2016
- Arboricultural Report

The final paragraph on page 135 should be amended to read:

‘Given the school has confirmed all new students live within 1 mile of the school, public transport trips (rail and bus) during the peak period is unlikely to increase drastically. When viewed in the context of the current public transport facilities available in the vicinity of the site it is not considered that the proposal would have a material impact on public transport services. The application is therefore found to be acceptable in this regard. It is also concluded that the site is sufficiently accessible by public transport, walking and cycling to meet the objectives of development plan policy in this regard.’

Since the publication of the committee report, one objector has submitted additional information so to substantiate their case. For completion, the content of the additional information has been added as Appendix A.

Officers consider all objections to have been considered and addressed in full.

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APPENDIX A – ADDITIONAL INFORMATION

We would like to submit further objections to 17/0149/FUL and request that you place these comments online on the council website for public viewing, for the councillors to view prior to planning committee meeting on 22 May and to add to the addendum to the 22 May meeting.

As this is a contentious application involving an unwarranted demolition, we expect this to be published in full as seen in other addenda for Planning Committee meetings.

Previously approved 16/1744/FUL Conversion to 7 flats

This conversion was heavily objected to by many local residents of Vivian Avenue, Foscote Road and surrounding roads.

The support for this application has come from friends, family and associates and investor landlord owners who are not affected by the reality of living next to an overdeveloped site.

It was only passed by the casting vote of the Chair of Hendon planning committee held on 20 September 2016.

That application was promoted by a lobbying company giving an advantage to the developer. Minutes of the meeting of 20 September 2016 showed that committee members who approved the application declared that they knew the lobbying agent.

There needs to be **full** transparency in the declarations of planning committee members; whether they know the applicant, the agent, architect, builder or anyone connected with the application because of the financial gains involved for any parties connected if approved by committee members known or related to them.

We are in no way satisfied that the approval for the conversion 16/1744/FUL was fair or just. The same committee also placed conditions on previous applications to

protect the single dwelling status of the site when granting extensive basement and extension works.

However these were disregarded time and time again to allow the conversion of the house to flats, ignoring all the precedents on Vivian Avenue in regard to the number of flats per plot. The approved conversion has made the plot an extremely high density site with nominal garden area and this will only bring more noise, disruption and traffic to Vivian Avenue.

Demolition without notice and Intentional Unauthorised building

Total demolition has occurred and intentional unauthorised building without consent for a new build and building at odds to plans submitted for consideration is occurring to date.

We are distressed that the history of the developers has not been taken into account in the consideration of applications for this site. Objections submitted to planners point to wilful disregard to planning and building regulations for developments they own or manage. Past and current enforcement investigations are visible on the council's website and these cannot be ignored. They include the subdivision of flats without consent and the development of flats not according to approved plans. The demolition and building application (H/03495/08) in 2008 is a stark example of rogue demolition and intentional unauthorised building practised by the same developer when planning consent was only for extensions, not a new build.

Even putting all previous history aside there is now indisputable evidence that there are breaches in planning control. In looking to regularise the demolition and get consent for a new build, council has allowed a retrospective application. However, the developer has carried on building up to the first floor and this **must** be considered as a material consideration. The directive from the Department of Communities and Local Government is very clear that intentional unauthorised building must be a material consideration for determination of **all planning applications and appeals** submitted since 31 August 2015.

Planning has given **no** weight to these current planning breaches, as the report has repeatedly stated "Since this decision was made on 7 October 2016 no policy or material considerations have emerged".

The larger basement foundations with different internal layouts already show intent to build according to the developer's own constructions plans which differ from plans submitted to planning for consideration.

There exists a real risk of making new entry points and stairs and new flats in the hidden basement (under original garage) and light well spaces.

Approval of 17/0149/FUL

If this is approved, it will not guarantee a resolution of the enforcement issues regarding unauthorised building. Conditions placed to protect the neighbouring residents and the locality have been disregarded by the members who approved every single application to increase the envelope of the building.

Enforcement is in a state of crisis, and failing to act on clear breaches especially when demolition and intentional unauthorised building have taken place will encourage a repeat of the tactics used by the developer or other applicants in Barnet.

In approving a new build, more applications to extend the flats (roof flat, garden flat for example) will invariably be submitted. As a new building, it will have the capacity to 'grow' even larger by legitimate applications to extend. An approval for a new build gives the developer a brand new lease of life for his development.

The planning committee is being asked to consider an application where the build is already physically in breach of the submitted plans that they have yet to determine.

This is an untenable position – it is beyond 'retrospective' and would not be legally defensible. Plan No. 71VA-PP7-03 has been superceded by what has been built on site.

Refusal of 17/0149/FUL

Claims that the council will face appeal costs if the application was refused must not be the reason to refuse the application. Weight will be given by the Appeals inspector to the intentional unauthorised building that is occurring. The demolition letter submitted to planning is a red herring as most of the house was destroyed before the claim that it was unsafe was made on 17 November 2016. This has been proved with photos sent to enforcement on 17 November 2016.

The application had unusual support and it had undergone a CAFT investigation in the last two months amidst claims of 'support' comments allegedly not written by the individuals whose details are given.

Comments from friends, associates and family (even a child) have skewed the consultation process. The desirability of the flats is not as portrayed and the detrimental effects on neighbouring residents of a high density build are far reaching and more significant than assessed by officers.

To push for development in the face of all valid objections submitted by the neighbours where this development is sited reflects the bias planning officers give to a developer with a history of planning breaches.

Assessment on its own merits

This mantra of all planning rules has been used to push through this application. This must be balanced with what the objectors are bringing to your attention since February 2017. New plans have not been invited from the applicant. Even you did not know what was being built on site till the planning meeting on Tues 9 May 2017.

The officer report presented to planning committee is inaccurate and not a fair and objective assessment. It sidesteps all objections raised by local people. 10% support are from neighbouring investor landlords waiting to profit from the precedent set by this development. If discounting all the **"support"** that CAFT cannot verify, the percentage of support is even more reduced.

This application is riding on the back of the previously approved conversion 16/1744/FUL. An application fee has not been paid and this is being treated as a 'repeat' application (from architect's covering letter). A prosecution for failure to provide a demolition notice to council has also been considered unnecessary as 'this Council would be loath to use precious recourses on enforcement, unless the demolition was carried out in some reckless manner which resulted in substantive damage' as written to me by a council building control inspector.

So much latitude has been given to this application. Residents have to continually watch what is going on in order to alert the council and even so, the right procedures have not been carried out with due diligence. We have been left to sort out damage and inconvenience by ourselves.

Even eight weeks between 9 March and 9 May 2017, when a CAFT investigation was underway, no attempts were made by the applicant to resubmit new building plans for re-consultation or by the planning department to secure a meaningful application for the planning committee to consider. One of the committee members appeared to think that by approving the application and attaching conditions for enforcement, everything will be sorted for the neighbouring residents. No conditions or enforcement can realistically protect us from the so called 'merits' of this application. This we know because a demolition without notice and excavations without planning consent causing a land collapse have occurred with no penalty to the developer.

We will not accept new plans at this late stage as it goes against the principles of an open consultation for affected residents to voice their opinions about what is coming up in their neighbourhood.

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