

MEETING

PLANNING COMMITTEE C

DATE AND TIME

THURSDAY 25TH NOVEMBER, 2021

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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
5	ADDENDUM	3 - 10

planning.committees@barnet.gov.uk

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ADDENDUM TO OFFICERS REPORT

Item: 1

Reference: 21/2485/FUL

Address: Brent Cottage, Brent Park Road,

1. Deletion (denoted by ~~[strike through]~~) and correction (denoted by **bold text**) of wording to Condition 12 re: Parking Management Plan :-

12. Before the permitted development is occupied an updated Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved ~~[Delivery and Servicing Plan]~~ **Parking Management Plan**.

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.

2. A Skills & Employment, Education and Training financial contribution figure of £50,000.00 has been agreed between the applicant and the Council's s106 Employment and Skills Officer - i.e. should the applicant be unable to provide the non-financial obligations through means of work experience placements, apprenticeships, site visits, school work shops, local labour and local suppliers.
3. Minor corrections to 4th paragraph of the Site Description section of the report:

To the west and north-west, opposite the site lies a builders merchants and the Torah-Vodaas School which is accommodated in a four-storey building that used to be office premises. Directly adjacent to the east/north east of the site is the Thameslink railway, to the south/south-east is the London Brent Cross Travelodge and to the south adjacent to the site is a bathroom supply and tile shop (TBK Tiles).

4. Representation received 24/11/2021 - objection summary:
 - The school has circa 356 students and more than 112 staff, the majority of which commute by car, creating congestion in Brent Park Road.
 - Traffic from Staples Corner roundabout is regularly backed up past the Brent Park Road, encouraging parents of school children to drive back through Hendon.
 - The school works in collaboration with Busy Bee Builders Merchants to ensure that the operations of either do not compromise safety, function and convenience of the school and businesses.
 - The development proposes 119 cycle parking spaces however the local roads are not suitable for cyclists.
 - Highways Authority has not referenced the school in its response, and Officer report relies

on this report

- The road is too narrow and the introduction of 63 residential units, together with associated refuse vehicle servicing (which will cross the centre line of the road) will increase the risk of adverse road safety conditions.
- Torah Vodaas is an Orthodox Jewish school where security is a major concern – the development is a risk to safeguarding and security
- The developer has not reached out to work with the school
- The building overshadows / results in loss of light to the school and its playground
- The proposal has adverse impact on rights of light; is overdevelopment of a small site; and is not suitably located i.e. it is not within a residential area

Officer response:

The majority of these concerns have been addressed in the relevant sections of the main body of the Officer report. In summary, the Highways Authority have considered the full constraints of the application site, its operational needs (with regards to refuse servicing/deliveries), and its impact on the surrounding sites and users, and have had discussions with Officers and the applicant throughout the lifetime of the application to address any potential safety, function and convenience related highway matters. They are satisfied with the on-site servicing area, the transport assessment (which references the school) and the trip generation assessment provided - which demonstrates that the development would not demonstrably contribute to unacceptable congestion during peak times (i.e. 11 additional trips during AM peak, 10 additional trips during PM). With particular regard to the cycle parking provisions, both the Highways Authority and TFL have given this consideration to this and consider that, subject to condition on further details of the storage, that it would accord with the wider sustainable transport objectives of the Barnet's transport policies and the Mayor's London Plan (2021). Both the Highways Authority and TFL have raised no objections, subject to the conditions and s106 obligations that have been recommended.

With regards to safety and security of the school, this has been considered within the main body of the report – concluding that the development would lead to greater natural surveillance for the area, ensuring that security is increased. Non-residential buildings do not have overlooking/privacy standards prescribed within Barnet's Local Plan, nevertheless, several of the distance relationships exceed the residential standards and much of what is overlooked is within the public realm. The Daylight / Sunlight report acknowledges that there will be some overshadowing and loss of light, but the overall findings are that this would not fall unacceptably below BRE's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) standards.

Item : 2

Reference: 21/0932/FUL

Address: 107 West Hendon Broadway, London, NW9 7BN

Revised plans were received after the committee report drafting, on 11th October, to provide angled bedroom windows on the north-west flank elevation, in order to prevent mutual overlooking

between the new development and the development under construction at the adjacent site, the Upper Welsh Harp. As a result of this the plan number condition now reads as below,

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

011 "Existing Site Plan", 020 "Existing Floorplans" 030 "Existing Elevations", 031 "Existing Streetscene", 040 "Existing Site Sections" Arboricultural Impact Assessment Rev A Feb 2021, 010 Rev 00 "Location Plan", 100 Rev 03 "Proposed Block Plan", 101 Rev 03 "Proposed Site Plan", 200 Rev 02 "Proposed Ground Floor", 201 Rev 01 "Proposed First Floor", 202 Rev 01 "Proposed Second Floor", 203 Rev 01 "Proposed Third Floor", 204 Rev 01 "Proposed Fourth Floor" 205 Rev 02 "Proposed Fifth Floor", 206 Rev 02 "Proposed Roof Plan", 300 Rev 02 "Proposed Front Elevation" 301 Rev 02 "Proposed Rear Elevation", 302 Rev 02 "Proposed South-east Elevation", 303 Rev 02 "Proposed North-west Elevation" 304 Rev 02 "Proposed Street Scene", 400 Rev 01 "Proposed Refuse Access" 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).

An additional condition (no.41) has been added to obscure glaze secondary living room windows in the same flank elevation, again to prevent mutual overlooking;

41. Before the building hereby permitted is first occupied the proposed window openings in the north west flank elevation, serving the living rooms on the first to fourth floor levels, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

Under Section 3 heading proposal of the officers report second paragraph makes reference to the floors being reduced to 5 storeys adjacent to N0.107 West Hendon Broadway. This should state adjacent to N0105 West Hendon Broadway.

Recommendation III

Date for submission of completed Section 106 agreement extended from 01 December 2021 to 31 December 2021.

Items : 5 and 6

Reference: 21/4178/FUL and 21/4191/ADV

Address: O/s 836 High Road, N12 9RE

One objection received from the Finchley Society.

Officers consider that the distance of 30m from the BT Street Hub to the listed milestone will not adversely affect its setting.

Members should be aware that this was the only Street Hub in which the Police and Highways did not raise an objection.

The letter from the Finchley Society is replicated below.

Note for members of Planning Committee C

Mr Michael Levitsky objected to 21/4178/FUL as a member of the Planning Committee of the Finchley Society. Unfortunately neither he nor any other member is available to speak to it, owing to a meeting of the society. I am therefore submitting this note elaborating the reasons why we ask the Committee to refuse this application (with the related 21/4191/ADV). We do not believe that the council officers' reports on these applications take full and proper account of the circumstances. The question of BT Street Hubs is of concern to the Finchley Society not only because of this application but because of BT's intent to place these in as many locations around Barnet as possible. We consider these structures to be fundamentally unsuited to our suburban context, or indeed to almost any context in London with traditional architecture.

The officers' reports recommend accepting BT's proposal, whereas the report for a recent very similar proposal recommended refusal (21/1140/ADV). We do not understand the change in the attitude of officers (not only the planning officers but also the highways department) in such a short time. The latest reports appear inconsistent with this previous one. They are also less comprehensive and thorough.

A key omission from the reports is the presence of the Grade II listed milestone outside Nos. 842 and 844 High Road (Historic England No. 1064902), located only 30 metres from the proposed Street Hub. The report states there are no such listed buildings (or other assets) in the vicinity, which is incorrect. The milestone, about 200 hundred years' old, is an important part of Barnet's heritage and of the local scene. The Street Hub would obscure views of the milestone, and its large black metallic rectangular presence would clash with the small white traditional milestone. Proposals for structures located so close to nationally listed monuments should receive much closer scrutiny than is contained in these reports.

A further problem with the officers' reports is the failure to apply Council Policy DM18 on Telecommunications (which the report for 21/1140/ADV did apply). Failure to apply this policy is a fundamental shortcoming because BT's application is clearly for telecommunications infrastructure. DM18 provides essential guidelines for considering the application and solid grounds for refusing it. The BT Street Hub would violate a number of the policy's provisions: (i) the appearance of the building against which it stands (Sainsbury's supermarket) will be compromised, (ii) it will adversely

affect a Grade II heritage asset, (iii and iv) this is not the most efficient and least obtrusive way to provide the telecommunications infrastructure, (v) The Street Hub is not appropriately designed, coloured and landscaped for the setting, and (vi) there is substantial negative effect on the visual amenities of local residents.

A second omission from the officers' reports is the London Plan, which is mentioned as relevant but not applied as it was in the report for 21/1140/ADV. Two policies stand out as relevant. Policy D4 on "Delivering Good Design" calls for refusing this application. The large black metallic structure, with entirely linear features, is wholly inappropriate for the traditional suburban context. Policy D8 on "The Public Realm" also argues for refusal, because of its adverse effect on the street scene, its contribution to street clutter (despite removal of the disused phone box), and the likelihood that the structure like the phone box it replaces is unnecessary.

The officers have also not taken note of Barnet's Draft Local Plan Reg 19 of 2021. While the 2012 Local Plan still has statutory force, the new plan must also be taken into account, as pointed out in the officers' report for 21/1140/ADV. The new Local Plan has a policy on Advertising (CDH09) which is far clearer and more stringent than previous council policy. It articulates high standards of design, compliance with context, avoidance of street clutter, and contribution to the public realm. We strongly support this new policy. The BT Street Hub falls short of its requirements.

The officers have applied the council's guidance on advertising, which is contained in a remarkably ancient Design Note from 1994 (DGN 1). This calls for structures to be "well related to their surrounding in terms of size, scale siting" and "be located to avoid visual clutter". In our view these guidelines have not been rigorously applied by the officers, nor has the expansion of these requirements in the new CDH09.

The BT street Hub is 3 metres tall. This the same height as a single-story house extension, a single-story flat-roofed retail structure or an entire shopfront. Its profile is the same as the display window of a regular shop. Its design and setting needs to be considered in architectural terms beyond those applied to mere street furniture, and it should fail examination in this respect. This is an ultra-modern black metallic structure of entirely linear design. It may fit into an ultra-modern setting, but it is completely out of context within the architecture of Finchley. Although the Sainsbury's supermarket is a modern building, it has been constructed of traditional bricks and is sympathetic to local context in terms of structure. The rest of the immediate area is characterised by 1 to 3 storey traditional shop terraces from the early-20th Century, which are in places not without appeal. Within this low-rise and small-scale context, the Hub is clearly over-sized. There are very few black-coloured elements in the built landscape and none that relate to the BT Street Hub's design. The Street Hub spoils the careful brickwork symmetry of the supermarket by bisecting a line of light bricks that marks the point where the arches at the entrance meet the vertical elements.

In their reports the officers describe the BT Hub as "less bulky" than the existing phone box with an impact that would be "marginal". This seems to us incorrect. Due to its greater height and width, the Street Hub will obscure 65 percent more area than the phone box. The large profile it presents to pedestrians and motorists makes it appear more, not less, bulky. The difference between the profile

of the phone box and the Street Hub is equivalent to that between a 5 storey and 8 storey building, which is hardly "marginal".

The immediate vicinity of the proposed Street Hub is already cluttered with street furniture and utility elements. In addition to the phone box (which would be replaced), these are: poles for CCTV, streetlights, and a bus stop, a small stone model of North Finchley Library, three wooden benches, a BT utility cabinet (unrelated to the proposed Hub), a Council refuse bin, a large bus shelter and five bicycle parking railings. This is an area that requires less clutter, not a new large structure. Advertising is already heavily present in the form of a double-sided display on the bus shelter and on a 5-metre-high monopole nearby.

We are surprised by the cursory attention given in the officers' reports to the issue of traffic safety. The report on 21/4191/ADV uses language from a DOE circular from 1992 which has been withdrawn (4.3, first paragraph, last sentence). This language should be excised from all such reports on advertising, where it regularly appears. The effect of this language is to reduce the attention paid to the distraction and obstructions caused by advertisements. The government's new guidance places far greater emphasis on this. The proposed BT Street Hub sits only 10 metres from a very busy and complex intersection marked by a large four-way box-junction and adjacent to a large bus stop. The High Road is one of the busiest roads in Barnet. That section of Ravensdale Avenue has heavy traffic from the Sainsbury's car park. Motorists, pedestrians, and cyclists need unobstructed views and as little distraction as possible to navigate the difficult junction. The BT Hub will obscure views and present changing bright advertisements to distract pedestrians and motorists. Similar consideration led to refusal of the Hubs in applications 21/1140/ADV and 19/4852/FUL (in which the Hub would have been located very near the current proposal).

We believe that because of the hybrid nature of the structure proposed by BT, it must be acceptable both under the Council's Telecommunications Policies and under its policies for advertising and for the preservation of the public realm. The BT Street Hub is clearly not an acceptable form of telecommunications infrastructure, since it packages a tiny amount of hardware within a massive advertising hoarding. As an advertisement, it fails all tests of acceptability in its proposed location.

A key question is whether the telecommunications facilities proposed by BT (public phone, wifi, Mobile 4G) are needed. BT has not addressed this issue. In practice, it is clear that the facilities are unnecessary. The phone box has probably not been properly used in years and there is fully adequate mobile and internet connectivity in that location. Since the telecommunications features of the BT Street Hub are unneeded, this element should be ignored. The question for the council is whether it will condone replacement of the derelict phone box by a very large street hoarding. We trust it would not.

BT has retained its unused, derelict and vandalized phone boxes in Barnet and other urban areas for many years. It has been deaf to polite requests to remove them. There is clearly a link between its "squatting" on council-owned land with such phone boxes and its intention to persuade councils to

allow installation of Street Hubs concurrent with their removal. The company has raised questions over its trustworthiness and care for the community that should weigh in the balance for councillors.

Officer response to the letter

- The application at Ballards Lane REF 21/1140/ADV is a different context and whilst the design is similar each site is considered on its own merit
- The listed milestone is 30m away from the location of the Hub. There is street furniture far closer than this including the bus stop. The Hub is not considered to materially affect the setting of the milestone.
- The Street Hub is higher and wider than the phone box but is slimmer and has a cleaner finish. It is modern, but the immediate environment with the large flank wall of Sainsbury to the rear is not traditional. The commercial centre of North Finchley has a variety of architectural styles as well as variety in scale and form of design.
- The Highway Officer raised no specific matters of safety in regard to this particular proposal

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