

## PLANNING COMMITTEE

16 March 2016

### ADDENDUM TO SERVICE DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL'S REPORT

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Land adjacent to Broadfields School  
15/03137/FUL  
Pages 7-40

In the Planning Obligations section of the report, the figure for Barnet CIL should read 'approximately £167' and the figure for Mayoral CIL 'approximately £43'.

Amend Conditions 1 and 24 to replace Drawing No. 250 P05 with 250 P06 (the drawing has been amended to provide an additional disabled car parking bay).

Amend Condition 18 (subdivision of amenity space) to the following:

- a) Before the development hereby permitted is first occupied, details of the means of sub-division of the amenity areas, including the provision of private amenity space to the ground floor flats, shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced, and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (Adopted April 2013).

Land adjacent to Whittings Hill School  
15/03139/FUL  
Pages 41-72

The number of parking spaces bring provided on the site is 47, not 49. This is confirmed on the submitted drawings.

Condition 5 to be amended to include the line "and any mitigation measures set out in the submitted Ecology and Bat reports" after '...Ecological Assessment Revision A September 2015'

Amend Condition 15 (subdivision of amenity space) to the following:

- a) Before the development hereby permitted is first occupied, details of the means of sub-division of the amenity areas, including the provision of private amenity space to the ground floor flats, shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced, and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (Adopted April 2013).

Since the publication of the committee report, the applicant has submitted a Bat Survey. The results are summarised below:

- Common Pipistrelles were recorded foraging and commuting around the perimeter of the site. A single Soprano Pipistrelle was recorded commuting along the boundary fence. A Noctule was also recorded.
- During remote monitoring, Common Pipistrelle activity was recorded (low levels of activity at the end of May/beginning of June, and high levels at the end of June to beginning of July.
- No bats or evidence of bats was recorded in any of the bat boxes. It has been agreed with Natural England that the boxes be relocated into the woodland at the rear of the site.
- The woodland edge which the bats were using for foraging and commuting will be retained.
- There will be increased lighting in the site. A detailed lighting plan will need to be put in place at night to minimise disturbance to bat activity and dark corridors around the boundary of the site.
- Directional lighting should be utilised to avoid light spill onto surrounding woodland habitats.
- To mitigate for the loss of potential roosting sites in the mature trees, bat boxes/access points should be installed into the block of flats. The bat boxes which have previously been removed from site will have to be reincorporated into the new design into the flatted building.

Condition 6 to be amended to include the line “and any mitigation measures set out in the submitted Ecology and Bat reports to be implemented” after ‘...any special techniques’

Amend Condition 1 as follows (as a result of amended plans being received to correct discrepancies):

- Replace drawing L101 P04 with P05
- Replace drawing L102 P03 with P04
- Replace drawing L103 P02 with P03
- Include “Bat survey report”

Amend Condition 18 (subdivision of amenity space) to the following:

- a) Before the development hereby permitted is first occupied, details of the means of sub-division of the amenity areas, including the provision of private amenity space to the ground floor flats, shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced, and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (Adopted April 2013).

126 Colindale Avenue, NW9 5HD  
H/05833/14

Since the publication of the report, the Council has received three statements of support from Citywide, Bemrose Mobile Limited and Creative Car Park Solutions. These are occupiers of the existing Colindale Business Centre and give their reason for supporting the application as being the redevelopment will secure their businesses' future along with the jobs that they respectively support.

Fairview Homes have also submitted a statement of support, citing that the amended plans provide a satisfactory relationship between the British Newspaper Library site and 126 Colindale Avenue. Fairview Homes has agreed to allow the Colindale Business Centre Ltd access over the British Newspaper Library site land (from Colindale Avenue) to the Colindale Business Centre site to provide access arrangements for the development. Fairview will secure this access arrangement through a planning obligation within the Section 106 Agreement associated with their planning application (H/05856/13) and has now entered into a separate legal agreement that will grant easement over their land in favour of the redeveloped Colindale Business Centre site.

Fairview advise that they can now irrevocably withdraw their original letter of objection to the Colindale Business Centre Scheme dated 5<sup>th</sup> June 2014 and in turn can provide their unreserved support for the development on the basis that it does not exceed the general dimensions and is in accordance with the general design set out in drawing numbers 6359-PL-103, 6359-PL-104 and 6539-PL-020, which form part of CBC's revised pre-application submission.

Amend Condition 2 to include:

6539-PL-701; Energy Strategy and Sustainability Statement October 2014; Phase 1 Land Quality Report July 2014; Revised Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement; External Building Fabric Assessment Revision 2 16 October 2014.

Plot 8 Lanacre Avenue  
15/04039/FUL  
Pages 33-134 Addendum

Since the publication of the committee report, the applicant has submitted an additional detailed daylight and sunlight survey. The results illustrating the main changes between the current scheme and the scheme which was reported to the 1<sup>st</sup> October Planning Committee Meeting are summarised below:

**Current Scheme Results:**

Address	Total Number of Rooms Tested	Number of Rooms Meeting BRE Guidelines for VSC	Number of Rooms Meeting BRE Guidelines for NSL	Number of Rooms Meeting BRE Guidelines for ADF
Grahame Park Block B6	32	11	19	25
Grahame Park Block A2	49	20	29	42
Grahame Park Block A6	30	20	30	30
Grahame Park Block B1	18	16	18	18
<b>Total</b>	<b>129</b>	<b>67 (51.9%)</b>	<b>96 (74.4%)</b>	<b>115 (89.1%)</b>

**Previous Scheme Results:**

Address	Total Number of Rooms Tested	Number of Rooms Meeting BRE Guidelines for VSC	Number of Rooms Meeting BRE Guidelines for NSL	Number of Rooms Meeting BRE Guidelines for ADF
Grahame Park Block B6	32	7	20	26
Grahame Park Block A2	49	20	33	42
Grahame Park Block A6	30	16	30	30
<b>Total</b>	<b>111</b>	<b>43 (38.7%)</b>	<b>83 (74.7%)</b>	<b>98 (88.2%)</b>

*Officer Comment: As can be seen from the above the survey results show that 7 rooms in Block A2 and 7 rooms in Block B6 would not comply with BRE daylight sunlight guidance i.e. one additional room over and above the original scheme. The study goes onto evaluate the rooms affected.*

These include 7 living/dining rooms in block B6, 2 living/dining rooms in Block A2, and five galley kitchens in Block A2. In relation to the living dining rooms, these are all situated under existing balconies which limit the amount of light to the rooms in question, when the daylight assessment is re-run without the balconies all of these rooms pass. In relation to the galley kitchens these are under 13 sq.m in area and as such are not classified as habitable rooms under Barnet's definitions.

In relation to Sunlight, the submitted study shows that:

**TABLE 5: NUMBER OF ROOMS EXPERIENCING SUNLIGHT IMPACTS AS A RESULT OF THE DEVELOPMENT (APSH METHOD)**

Address	Total Number of Rooms Tested	Number of Rooms Meeting BRE Guidelines for APSH	Number of Rooms Experiencing Minor Adverse Impacts
Grahame Park Block B6*	17	8	9
Grahame Park Block A2	2	1	1
Grahame Park Block B1*	6	3	3
<b>Total</b>	<b>25</b>	<b>12</b>	<b>13</b>

\* Yet to be built or currently under construction

*Officer Comment: As can be seen from these findings, 13 rooms would have levels of sunlight materially affected by the development, of which 9 rooms would be in Block B6 immediately to the north. No sunlight study was submitted with the original planning application and as such there is no comparable data to compare the findings with. However sunlight is normally considered less critical than daylight in considering the acceptability of a proposal, being affected as much by orientation as the scale and massing of the proposal. It is therefore unsurprising that the development of this plot would result in some rooms in the block being constructed to the north being affected. It is also noted that sunlight to these rooms will already be affected by existing balconies, and on balance the scheme is considered to result in an acceptable impact upon sunlight.*

### Public Representations

Since the publication of the committee report, three additional objections have been received, including one letter from a neighbouring resident, one joint letter from Cllr Sargeant, Cllr Narenthira and Cllr Zubairi and also correspondence from Genesis including supporting information from Savills. A summary of the objections is as follows:

### Resident and Councillors

Concern that car parking concerns have not been addressed, Surveys in support of the application show that currently most Council workers drive and it is unrealistic to expect such a major modal shift, meaning that local roads will be affected.

Consideration of a hopper bus should be considered

Number of disabled spaces need to be increased.

The quantity of community space is lower than originally proposed under the earlier Genesis proposals. while it is understood that this will be addressed in part through the emerging SPD for Graeme Park, this does not currently identify appropriate provision.

*Officer Comment: The proposed car parking provision is not altered from the earlier scheme, which Committee resolved to grant Planning Permission for on the 1<sup>st</sup> October 2015. A detailed assessment of the highway implications of the development including proposed mitigation*

*measures to minimise the impact upon surrounding roads is contained within the original Planning Committee Report which is included in Appendix A.*

### Genesis Objection

Criticism that Genesis were not kept abreast of design changes despite earlier promises from Barnet Council

Concern that Genesis has only had a limited time to consider the implications of the Daylight and Sunlight Study which was only published in full on the 11<sup>th</sup> March 2016.

Object to impact on light levels to the existing Genesis Housing surrounding the site.

The attached Savills letters raise concerns regarding the methodology of the submitted Daylight and Sunlight Report in the following regards:

Disagree with not classifying galley kitchens as habitable rooms.

Savills note that using the VSC calculations, 48.1% of tested rooms will be affected by the proposal, which means they should be classified as significantly affected.

Suggest that as balconies are supported in Policy it is unreasonable to discount these when assessing daylight.

Consider that the concerns raised by Savills raise significant implications regarding the impact on the Genesis Scheme at Plot 6.

Request that the Planning Committee to defer the application to allow for ongoing discussions with Genesis.

The impact on sunlight is also noted and considered unacceptable.

*Officer Comment: The comments relating to the lack of time to consider the full daylight sunlight report are accepted by the Council, however the documents were made available to Genesis at the earliest possibility, and Genesis's consultants (Savills) have had the opportunity to read the produced report and to produce representations and as such it is not considered that Genesis has been unreasonably prejudiced in this regard.*

*In relation to the comments relating to the Galley Kitchen's.*

The Council's adopted SPD Sustainable Design and Construction defines a habitable room as:

'A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m<sup>2</sup> (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m<sup>2</sup> will be counted as two.'

*Officer Comment: Based on the above classification it is considered reasonable to consider the galley kitchens as non habitable rooms for the purposes of the Study.*

*Officer Comment: In relation to the comment regarding 48.1% of rooms failing the VSC test, this comment ignores the fact that the more detailed ADF test which is carried out when an application fails to pass one of the earlier tests such as VSC show that only 14 units fail to comply, which are discussed in length above.*

*In relation to the comments made in relation to rerunning the calculations excluding balconies.*

The publication BRE Site Layout Planning for Daylight and Sunlight 2011 advises at 2.2.11 Page 8 that:

'Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight for both the existing and proposed, situations without the balcony in place. For example, if the proposed VSC with the balcony was under 0.8 times the existing value with the balcony, but the same ration for the values without the balcony wa well over 0.8, this would show that the presence of the balcony rather than the size of the new obstruction, was the main factor in the relative loss of light.'

*Officer Comment: Based on this guidance it is considered reasonable to take into account the impact of balconies in restricting light levels to the windows of surrounding properties. It is noted that the amended proposals only affect 1 additional room over and above the original scheme, and the impact of the changes are considered marginal. The impact on Sunlight while not possible to directly compare with the original scheme is unlikely to be significantly altered and is in any event inevitable due to the orientation of the buildings and does not warrant the refusal of the application.*

*Officer Comment:* The submitted daylight study showed only a marginal increased impact over and above the original scheme, and it is not considered that the Savills Letter raises any significant new issues which would lead the council to reach a different recommendation. As such it is not considered that there would be any benefit in deferring the application from determination at tonight's meeting.