

## **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, Foscoote 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 construction 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 superseded 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.