

Addendum

Hendon Area Planning Committee

21 October 2020

Reference: 20/0888/FUL

Rear of 1A Shelley Close, Edgware, HA8 8DX

Pages 41-58

Since the original publication of the report ahead of its first hearing at the 7th September 2020 Committee, 1no further objection has been received. The letter of objection raises the following material considerations:

- Trees / vegetation have been removed not retained as stated on the revised section plan;
- Proposed vegetation will not screen proposed height of the property;
- Requirement via condition for details of new trees and vegetation to include depth, height and height in relation to the top of the roof;
- The section plan does not show the roof of the proposed building.

In addition, it has been brought to light that representations received back in March 2020 – although included and addressed in the Report – do not appear on the website. Therefore, in order that Members should have the opportunity to consider them on their own merits, they are included at Appendix A to this Addendum.

Further consideration has also been given to the composition of the conditions, in light of which it has been determined to recommend amendment to the wording of Condition 6 to read as follows:

*a) All work comprised in the scheme of landscaping as detailed in the approved drawings GUA-DR-L-001 P01 (Landscape Masterplan) and GUA-DR-L-002 P03 (Detailed Hard and Soft Landscape Proposals) shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, and, notwithstanding those plans, the screening hedge mix fronting the carriageway of Shelley Close along the entirety of the external boundary ~~where it is to the rear of~~ **from a point equivalent to** the front elevation of the approved dwelling **to the rear boundary of the newly formed curtilage** shall, **once established**, be **maintained at** a minimum height of 2m **and a minimum width of 1m***

*b) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme – **including the proposed boundary hedge fronting Shelley Close** - which are removed, die, become severely damaged or diseased at any time following the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.*

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

In addition, it is proposed to amend the wording to Condition 15 as follows:

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, D, E and F of Part 1 **or Class A of Part 2** of Schedule 2 of that Order shall be carried out within the area of application site hereby approved.*

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

The purpose of these amendments is to ensure that there is no ambiguity with regard to the siting and extent of the proposed boundary hedge fronting Shelley Close and that the effect of the condition remains and cannot be superseded by any future exercise of rights under Part 2, Class A of the Permitted Development Order to erect a new form of boundary treatment without express consent. This is considered to better secure the satisfactory appearance of the site in line with the reason for appending the condition.

Reference: 20/0744/S73

5 Egerton Gardens, London, NW4 4BB

Pages 15-28

For the sake of completeness the development description for this application relates solely to the removal of Condition 8 (Flat 4 – Study Use) and as such, the approved plans under Condition 1 are not in and of themselves amended. On that basis, Condition 1 has been corrected from that which appears within the report to restore the original approved wording as follows;

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

Site Location Plan

Drawings:

BS 516-01 EXISTING FLOOR PLANS

BS 516-02 REV A EXISTING ELEVATION PLANS;

BS 513-03 REV A Proposed floor plans (Received 04 May 2018);

BS 516-04 REV A PROPOSED ELEVATION PLANS;

BS 516-05 EXISTING AND PROPOSED ROOF PLANS;

BS 516-06 PROPOSED SIDE ELEVATION AND DETAIL PLANS;

Statements:

'Planning, Design & Access Statement' prepared by Prospero Planning Limited dated March 2018

'TRANSPORT NOTE' prepared by Joseph Cassinelli, Corun Associates, dated March 2018

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).

Reference: 20/2462/FUL

Menorah Grammar School, Abbots Road, Edgware, HA8 0QS

Pages 83-104

Additional condition:

The proposal will not impact on trees, however a risk has been identified to the large tree at the front from demolition and construction traffic.

As such, Planning Officers have recommended for the following condition to be attached:

“a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.”

The Agent has confirmed the Applicant's agreement to this condition.

Condition 6:

The Agent has, in an email to the Planning Officer dated 19 October 2020, objected to Condition 6 of the Officers recommendation which restricts the number of enrolled pupils at the school.

The condition is supplemented by a reason in the proposed schedule of conditions and justification as to the grounds for its inclusion have been set out in the committee report.

Resident representation:

A resident, who has objected to the planning application, emailed the Planning Officer on 20 October 2020 with three complaints. This email was also sent to the Leader of the Council and Chief Executive.

The complaints contained within the email can be summarised as follows:

1) Invitations to speak at the committee meeting scheduled for the 21 October 2020 were sent on 19 October 2020. This is not sufficient notification for people who wish to speak.

2) Despite numerous attempts to get factual information on the impact of increasing capacity by 4 new classrooms my question was unanswered and this information was not available. The additional information was eventually provided at the end of August 2020 which shows that the school has a plan to increase school capacity, which began in 2018/19. It is clear that Planning have been aware of the School's intention since 18/19 when they granted medium term use of portacabins, despite this being a conservation area. The evidence suggests the Master Plan is a 'Fait accompli' which is the reason I believe there is a conflict of interest that places doubt on the impartiality of the process.

3) An unrelated matter associated with the neighbouring Foundation School.

The LPA would respond to the above matters as follows:

1) There is no stipulation within the Constitution regarding the period of time speakers should be notified prior to a committee meeting. Although notification of the meeting was in this case issued slightly later than average, it is not considered that the amount of time given was unreasonable. After receiving the above objection, the Area Planning Manager also personally wrote to all those who had requested to speak who had not already responded to receipt of the notification. With regard to this case, the resident was the sole objector who had so requested to speak.

2) Once the information regarding pupil numbers was provided by the applicant, residents were reconsulted (via letter) on the additional information. For the avoidance of doubt, the Local Planning Authority refused permission for the portacabin to the front (planning reference 18/6700/FUL, decision dated 28 December 2018). This decision was upheld – together with a corresponding Enforcement Notice – but the period for removal extended by the Planning Inspectorate on appeal. The planning merits of this application have been set out in the committee report for members consideration.

Reference: 20/1773/HSE
5 Shirehall Lane, London, NW4 2PE
Pages 73-82

The report as published unfortunately omitted the final version of Section 5.4 responding to the Public Consultation and should be read as follows;

- Concern that the proposed plans are different to what appears is being built.

It was noted that the proposed plans suggested that the ground floor element was being built in conjunction with 19/4045/PNH. However, in review of site photos it appeared that 19/4042/PNH was in implementation. The agent was approached to rectify this oversight and amendments were submitted.

- Considered that doors leading onto a flat roof would result in overlooking

The application does not propose any openable doors at first floor level onto the roof space, however to ensure this remains the case and that there is no subsequent undue sense of overlooking or loss of privacy would occur, officers have attached a condition relating to the use of the flat roof which is as follows;

The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- Concern that the dwellinghouse will be converted into flats.

Officers are satisfied that as per the current proposed plans, this would not be the case. There is no information before us to suggest that this would be the case. Any subsequent scheme to convert the property into flats would require full planning permission which would be subject to the LPA assessment.

- Objector questions the legal validity of the application, and that permitted development rights do not apply in this case.

The applicant has conveyed a genuine intent to otherwise fit out the 2 No. rear extension structures. Therefore, a sufficient fall-back position is in place to approve the infill of the 500mm gap. Sufficient photograph evidence was provided to satisfy this requirement.

- Considered that the development would be very visible and prominent as it is a corner house

The property has been subject of a previous application which considered the first floor rear extension to be acceptable across the full width, including to the flank wall adjacent to the street, in this instance officers do not consider that the assessment regarding the acceptability of the first floor extension along this flank wall to be circumstantially different in this instance and therefore is still considered acceptable as explained within the character assessment of the above report.

- Concerns the scheme represents over development of the site

As discussed within the main assessment of proposals, officers sought amendments which were received to reduce the width at first floor to ensure the feature is a subordinate addition to the property. Overall officers do not consider the proposal would result in over development.

- Considered that the proposed development would be bulky and ugly in appearance, which will be exacerbated by the conspicuous nature of the site having two road frontages

The LPA has noted the site is visible from the street scene but after assessment, it is considered that the majority of the ground floor will be obscured by boundary treatment whilst the first floor would be more subordinate in size and mass and therefore would not have an unacceptable impact.

- Considered that the site gradient has not been accounted for

Officers have reviewed the plans and site photos and consider the plans to be accurate in this regard.

- Would set an unwanted precedent

Each application is based on its own merits and in this application, based on site specific circumstances the proposal is considered acceptable.

Comments of support have also been taken into consideration within the assessment of the scheme.