

PLANNING COMMITTEE B – 27th SEPTEMBER 2023

ADDENDUM TO OFFICERS REPORT

Pages: 25-38

Item: 7

Reference: 23/2638/FUL

Address: 262 Ballards Lane London N12 0ET

The application has been called in by Councillor D Rich for the following reason:

“The impact of the development on the character of the area.”

Pages: 39-56

Item: 8

Reference: 23/2758/FUL

Address: 3 Hillview Road London NW7 1AJ

Amendment to Condition 1 Approved Plans - Proposed Block Plan 21/C replaced with Proposed Block Plan 21/D.

Following publication of the report the drawing was amended to correct a technical error on the Proposed Block Plan 21/C, to correct the garden amenity space annotation to read Garden Area House 3 996m², Garden Area House 2 165m². There have been no changes to proposed plans themselves.

Amendment to condition 19:

“Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent the ground floor units shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.”

Page 52

Correction to wording of report: “As such, it is found that the established character and appearance of the existing dwelling would be affected, should this proposal receive approval” changed to read ““As such, it is found that the established character and appearance of the existing dwelling would **not** be affected, should this proposal receive approval, therefore, in this regard, it is **not** in compliance with Policy DM01, of Barnet's Development Management Policies DPD.”

Item: 10

Page: 81-124

Reference:21/4352/FUL

Address: 105 West Hendon Broadway, London, NW9 7BN

Amendment to Recommendation I clause 3: Highways CPZ contribution – amend to £2,392.01, delete monitoring contribution of £103.60

Amendment to Recommendation III: amend date to 31 December 2023

Description of proposal on page 102 should state;
Therefore the amended scheme has reduced the proposal by one storey and **4** no. Units.

In the “Impact of the proposal on character and appearance of the application site, the street scene and the wider locality” the text on page 111 should state;
In response to the comments and following further discussion with the applicant, the sixth floor has been **omitted** in the amended plans.

Page 115 “Accessibility” should read

All of these units are accessible by lift (ramp and stair free) and are compliant with building regulations part M4(2) complaint. Four units (10%) are compliant with building regulations M4(3) and are wheelchair accessible and adaptable.

Pages: 141-150

Item: 12

Reference:23/2928/FUL

Address: 61 Finchley Lane London NW4 1BY

Additional condition:

a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping 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, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of 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 G5 and G7 of the London Plan 2021.

Public Consultation:

Additional objection received from Asserson Law Offices on behalf of neighbouring occupiers.

This alleges that officers have not taken into account an outstanding Enforcement Notice served against all the outbuildings at the site and that the officer assessment is different to that of the assessment officers made before issuing the Notice. Also that determining the application would entirely undermine the appeal process, and that waiting for the determination of the appeal would mean the application is assessed in light of the appeal decision.

It refers to errors in the report as follows:

“Firstly, as mentioned above the committee report is incorrect to state (as it does in a number of places) that the size of the structures will be reduced. Whilst a number of (unauthorised and unlawful) buildings are proposed to be removed, the retained building is not proposed to be reduced in size – it will remain exactly as was assessed in the Enforcement Notice, which made no distinction between any of the unauthorised buildings at the Property.

Secondly, the description of development is therefore inaccurate and misleading and suggests that the applicant is reducing the size of the building to be retained under the Application for the benefit of the neighbours. It also suggests that a single outbuilding will be built at the Property, part of which has already been built. Neither of these are correct. The applicant in fact proposes removing some unlawful buildings and not altering the remaining building (which has similarly been assessed as overbearing and inappropriate) in any way – an accurate description of development, which would set the correct basis and context for the Council’s assessment would be “the demolition of unauthorised outbuildings and the retrospective retention of a further outbuilding”.

Thirdly, the Application is described as, and has been assessed on the basis of, a single storey outbuilding. However, the drawings and other accompanying information make it quite clear that the outbuilding will be used as a communal gym for residents of the Property. This omission means that the committee report fails to meaningfully consider any of the potential impacts of a gym, such as increased movements, noise, light etc. Without this information it is impossible for the Council to correctly assess the impact of the amenity of neighbouring residents.

Finally, the committee report incorrectly assesses the Application as in terms of the appropriate use class. A communal gym should be Use Class E, and the Application should therefore be assessed in terms of introducing a new use to the local area.”

Officer response:

An Enforcement Notice was issued on 23/05/23, following refusal of the previous application to retain the outbuildings on site. The applicant has appealed the Notice.

All outbuildings on the site are subject to the enforcement notice. The outbuilding as proposed would be significantly reduced in scale and hence, the current proposal is considered not to have any detrimental impact on the character of the area and neighbouring amenity. The previous permission and Notice were determined and served on the basis of the current situation on site and the merits of that case.

There is no statutory barrier to the Applicant submitting a further alternative application during the appeal process even where a Notice has been served and the LPA is required to determine such an application. It cannot wait until conclusion of the appeal process. Furthermore, there is no barrier to such an application proposing the retention of part of a structure – even if that structure as a whole is subject to extant enforcement action.

As such, the current application, when assessed on its own merits, is considered to have overcome the reasons for refusal of the previous application.

In terms of its use, the outbuilding does not fall within Class E as it serves only residents of the flats, not the public. A condition is proposed to restrict it to ancillary use.

If planning permission is granted this will not undermine the appeal process. Depending on the outcome of the appeal, the applicant can either comply with the Notice or implement the planning permission, which will require the removal of some outbuildings and landscaping of the site.

Item: 13

Page: 151-158

Reference: 23/2211/HSE

Address: 9 Kingswood Park, N3 1UG

The applicant has provided a daylight and sunlight assessment undertaken by Smith Marston Building Surveyors which demonstrates that the proposed development fully accords with the BRE guidelines. The roof extension will not cause material changes to daylight and sunlight amenity of Primrose Court and it is therefore considered to accord with both the BRE guidelines the LPA's planning policy criteria in respect of neighbouring amenity.

Amendment to Condition 4 (Obscure Glazing):

“Before the building hereby permitted is first occupied the proposed side dormer window and rooflight in the western elevation as well as the rooflight in the eastern elevation 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).”