

## **PLANNING COMMITTEE B – 19TH MARCH 2024**

### **ADDENDUM TO OFFICERS REPORT**

Amendment to relevant policies section of each report:

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan ([LINK](#)). These Main Modifications were approved by Cabinet on March 12<sup>th</sup> and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached

**Pages: 11-20**

**Item: 6**

**Reference: 23/3998/HSE**

**Address: 2 Courthouse Gardens London N3 1PX**

Additional comment has been received from the West Finchley Association Dated 18.03.2024

*"The subsidence of the public footpath on Nether Street, which appears to have been caused by this development, is a source of much angst in our neighbourhood and our Ward Councillors have regularly received queries about since last July when the subsidence was first noticed.*

*The recommended conditions in your report to the planning committee are very welcome and it would helpful to know if they can be strengthened to avoid any further drain on council resources chasing enforcement.*

*The suggested strengthening criteria is to have the conditions apply before construction commences rather before occupation. I understand that construction has started hence the subsidence so in practical terms the construction must be suspended until the applicant complies with the conditions to the satisfaction of Council Officers or Service Directors.*

*Another suggestion is to consider this application at a later committee meeting after the applicant complies with the decision of the committee meeting on 18 December 2023 in respect of 23/2458/HSE retention of single storey front side and rear extension following the demolition of garage (Amended Description):*

*"The front canopy and its associated supporting columns shall be demolished and removed from the site within three months from the date of this decision."*

*The canopy and columns are expected to be removed in the first week of April and there appears to be no sign of any work to comply with the decision of the committee.*

*Any further strengthening measures to help address the subsidence on the Nether Street would be welcomed."*

Email received from the applicant requesting application is deferred or condition 5 amended/ reworded until the liability for the remediation work to the council boundary is confirmed. He states that "You would appreciate the incidence (land subsidence) that happened on 05 Aug due to heavy rain whilst the work was in progress. I was not a resident of the property when the work was done by the contractors. Whether the work has caused the damage or not is debatable unless there is strong evidence & if that can be shared with us, please. Since Aug 2023, we have been in regular email and telephonic communication with the council authorities (including the highway) requesting them to fix the council boundary and the footpath. We are awaiting to understand from the council about the retention and safety measures taken by the highway when the boundary wall and footway were first built.

*In Feb 2024, I received a letter from Highways that they would start the remediation work on 12 Feb 2024 but they have not started it. It has deteriorated over the last 8 months and it is now on the verge of collapsing into my property which is a high risk to my family's safety."*

**Pages: 21-50**

**Item: 7**

**Reference: 23/4307/FUL**

**Address: 2-3 and 3C Clyde Villas, Hadley Green Road, EN5 5PP**

Following legal advice, the nomination rights procedure suggested in condition 4 should be included within the legal agreement.

Therefore deletion of condition 4 and an amendment to recommendation 1 is suggested as follows:

4. A mechanism to ensure Barnet Council shall have 100% nominations rights for 85 days (12 weeks) whilst the service is mobilising and until it achieves 100% occupancy.

Thereafter Barnet Council shall retain 100% nomination rights in the first instance for any new void.

On day 57 of any new void, if Barnet Council has not been able to nominate, the provider may accept a nomination from another local authority.

In the event a void is let after day 57 to another local authority, then the provider shall inform the relevant commissioning team at Barnet Council of this detail. In the event a void occurs that has previously been secured by another local authority then Barnet Council shall automatically secure the nomination right for the first 57 days.

The provider shall inform Barnet Council's commissioning team via an availability notice of all voids, giving Barnet Council 58 days to nominate from the date of the availability notice.

5. Meeting the Council's costs of monitoring the planning obligation

## Communal Room Move

Further concerns were received from neighbours following the receipt of amended plans, which has switched the communal room from the second floor to the ground floor;

*"I understand that a decision was made to allow the applicant to move the Communal Room to the ground floor giving this room direct access to the garden but this did not signify such a change as to require re-consultation.*

*This will make a massive difference to the use of this room, the garden and the new garden room. In the summer, the 12 residents and staff could potentially have the doors open in the communal room and the garden room and be going between the two all day long. That will have a huge impact on the disturbance to the neighbours both in their homes and in their gardens*

*Can you advise if it is possible to postpone the inclusion of this application in the Agenda this evening so this can be correctly consulted please. If not, what is the procedure?*

*Given all the other issues that the report has raised, I won't have time in just three minutes to fully address this and I am currently being refused any more time".*

**Pages: 51-78**

**Item: 8**

**Reference: 23/3152/FUL**

**Address: Brookfields Garage, Victoria Lane, Barnet, EN5 5UN**

"London Plan (2021) Policy H2 encourages development of such backland standalone small sites for small scale residential development where appropriate." To be placed after "Policy GG2 of the London Plan 2021 seeks to ensure that development explores the potential to intensify the use of the land to support additional homes. Policy CS3 of the Core Strategy sets out how the Council will provide 28,000 new homes throughout the lifetime of the Core Strategy 2011-2026" in the 'Principle' section.

**Pages: 149-160**

**Item: 12**

**Reference: TPP/0616/23**

**Address: Westwood House 46C The Bishops Avenue London N2 0BA**

Slight alteration to the following paragraph, the cost of repairs is stated by the tree owner's engineers as £10,000 should the trees be granted permission for removal and not the £50,000 as stated within the report.

It should read;-

*"The applicant's structural engineers make the following observation with regard to the likely costs "If the trees are removed, then I consider that works including structural crack repair and redecoration at an approximate cost of £10,000 will be appropriate in order to repair the damage in this case. If the tree remains then the only appropriate solution would be underpinning to stabilise foundations, the cost of which is currently estimated at £125,000"*

Slight alteration to the following paragraph, removing reference to the NHBC guidance which was not in force at the time of construction.

“In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management to the privately owned TPO trees that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the trees is so high that the proposed felling is not justified on the basis of the reasons put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council’s Structural Engineers have noted that the *“trees would be implicated in the subsidence damage to the extension”*; there is uncertainty about the risk of heave.”

Slight alteration to the following paragraph, removing reference to another address add the application address.

“If it is concluded on the balance of probabilities that the roots of the oak and hornbeam trees are the ‘effective and substantial’ cause of damage or alternatively whether they ‘materially contributed to the damage’ and that the damage would be addressed by the felling of these trees, there may be a compensation liability if consent for the proposed felling is refused – in the application submissions it is indicated that the repair works for Westwood House 46C The Bishops Avenue may be in excess of an extra £125,000 if the subject oak and hornbeam trees are retained.”