

## PLANNING COMMITTEE A

8<sup>th</sup> April 2024

### ADDENDUM TO DIRECTOR OF PLANNING AND BUILDING CONTROL'S REPORT

#### **Agenda Item No. 6**

**22/2364/FUL 55 Woodstock Road NW11 8QD**

**Pages 9 – 34**

Addition to the officer report section 5.4 (Response to public consultation):

- Unknown whether connecting to the main drainage system

Condition 8 has been added requiring the new dwellings to have been constructed to be supplied by the mains water infrastructure.

#### **Agenda Item No. 8**

**23/4520/HSE – 66 Addison Way London NW11 6QS**

**Pages 45 - 54**

**Pages: 45-54, correction on page 54.**

Further to publication of the committee report there is a minor change. The values within the report were interchanged and should read as:

#### **Single storey link extension.**

" Although the new side window within the proposed infill extension will be brought closer to the shared boundary to No.64 with a minimum distance of 0.50 metre and a maximum distance of 0.60 metre from the existing garden fence, this window is not considered to significantly alter the existing amenity relationship between the host site and the adjoining neighbour at No.64."

#### **Agenda Item No. 14**

**23/5219/FUL – Intec House 49 Moxon Street Barnet EN5 5TS**

**Pages 107 - 164**

- Amendment to Planning Obligation 3 – Affordable Housing

**Financial contribution of £75,000**

- Daylight / Sunlight update on 21 South Close

Since the publication of the Addendum Letter on 19/03/2024, Officers wrote to the residents of 21 South Close on the same date, informing them of the addendum letter and providing an opportunity to review and provide any comments. The following comments have been received:

- We are not willing to nor should we reasonably be expected to comment on a Daylight and Sunlight report which includes “three different scenarios” options for the internal layout of 21 South Close.
- A site visit with the applicant’s consultants had been agreed for the 2<sup>nd</sup> April.
- According to this latest report and based on Scenario 3, 21 South Close will be losing 63% (“factor of 0.37”) of our existing VSC, which is considerably outside the BRE recommended guidelines. Ansty Horne also state, “Thus, it can be said that any additional massing in this area will inevitably translate into reductions beyond the BRE’s recommended 0.8 guideline in the no-skyline contour.” This is unacceptable.
- There is not enough time in between Ansty Hornes site visit on the 2nd April and the committee meeting on the 8th April to allow 5 working days to review the updated, accurate report.

Officer Response

Following the site inspection to 21 South Close from the applicant’s Daylight / Sunlight consultants, they have confirmed that scenario 3 is the current layout of the property and valid in terms of the daylight and sunlight position. The surveyors recorded that the living room was slightly narrower upon inspection, but ultimately, does not change the reported conclusions. The layout for the study was also very slightly different with an added entrance space but again received no reduction in its lit areas as projected in the addendum letter. The compared results are detailed below:

	Addendum Letter – daylight distribution assessment (factor of former value)	Site Visit – daylight distribution assessment (factor of former value)
<i>Living Room</i>	0.52	0.53
<i>Study</i>	1	1

The results show a very slight change in the Daylight Distribution assessment for the living room, with the room now experiencing a change of 0.53 times its former value with 43% of its area retaining access to direct sky, compared to the 0.52 results detailed within the addendum letter and 40% of its area retaining access to direct sky.

The updated results show a very minimal difference against the layouts set out in the addendum letter. The measurements previously used and tested are considered to be robust as these were the lengths advised within the applicant’s Pre-Action Protocol letter dated 19<sup>th</sup> December 2023. Officers consider that there is no further need for an updated report to be submitted.

In terms of the projected loss of VSC within R3 (Living Room), this has been explained within the Committee Report. The committee report acknowledges that there is a reduction to the daylight / sunlight received at 21 South Close but reviewing all the calculations as a whole, Officers have concluded the proposal is not considered to have a demonstrable harm to the sunlight / daylight of the property overall. In the planning balance section of the committee report, this harm is weighed against the scheme benefits, the scheme found to be acceptable overall.

With regards, the impact overall along South Close, the proposal remains unchanged in terms of overall height, massing and fenestration in comparison to the approved permission ref: 22/4526/FUL.

- Daylight / Sunlight update on Future Occupiers

Since the publication of the committee report, the applicant has also provided an addendum letter to the Daylight / Sunlight Report on future occupiers of the lower ground flats. This tests the proposed units against the current BRE Guidelines (2022).

The results project a lowered overall adherence rate for the tested specific rooms against the previous assessment. This is a result of the new BRE methodology which is more complex and the criteria more onerous to adhere to. However, the letter advises that the tested rooms are only the most sensitive rooms within the development, with overall adherence being higher if all the rooms were tested.

The purpose of the addendum letter was simply to update the results using the latest BRE guidance criteria. As set out in the committee report, Officers were aware of the limitations of these units and have sought to design out any limiting failures as far as practically possible. These units represent a small number of the overall scheme and that overall performance of daylight and sunlight across the scheme when considered as whole, is considered to be acceptable.

This scheme does not amend the layout of the proposed units compared to the previous approved permission ref: 22/4526/FUL.

- Impact on Bats

Further comments have been received in relation to the sighting of bats surrounding and flying in and out of the line opposite South Close and boarding Intec House. Removal of trees will impact bat species and their habitats.

Officer Response

The Council's Ecologist has reviewed the concerns raised by residents and has provided the following response:

I can confirm from the submitted Tree Removal Plan (DCCLA, TRP/IH49MSB/010 A1, August 2022) and Tree Protection Plan (DCCLA, TRP/IH49MSB/010 A1, August 2022) six trees will be removed from the site (G7 ash, T1 sycamore, 3 x cypress trees from G1, and 2 x cypress from

G2) all other trees including the cypress trees along the access road (G2) are being retained with tree protection fencing present along the root protection area of these trees. These corresponded identically to those trees which were proposed to be removed and those proposed to be retained under the previously approved development (22/4526/FUL).

While the cypress trees and a number of deciduous trees are to be removed on the north boundary of the site, the sum total of these trees does not provide a significantly important foraging habitat compared to the adjacent priority broadleaved deciduous woodland habitat type immediately east of the site. Likewise, the loss of the group of cypress trees and individual deciduous trees on the north boundary does not constitute a loss of commuting habitat as these tree group do not extend toward and connect to any other core area of key foraging habitat to the west of the development site given the densely urbanised area of the wider site.

The LPA is comfortable with the judgement that the survey effort undertaken to determine the presence of roosting bats was sufficient in relation to the impact of the development on bats. The survey results were sufficient to evaluate the importance of the site relevant to the area of suitable core foraging and commuting habitat within the adjacent SINC (see google map below). And that the loss of the trees would not result a in the degradation of the Favourable Conservation Status of bat species present because of the expanse of ideal core woodland and neutral grassland foraging and commuting habitat in the adjacent SINC and connected green and open space such as Monken Hadley Common. Further surveys beyond what has been provided within the Bat Activity Survey report would be disproportionate relevant to impacts of the development of bats in the wider area as the report stated *“The survey identified only common pipistrelle bats utilising the site and nearby habitats with commuting bats flying over the trees and woodland adjacent to B1. No bats were observed emerging from or re-entering B1.”*