

<b><u>MEETING</u></b> <b>EAST AREA PLANNING SUB-COMMITTEE</b>
<b><u>DATE AND TIME</u></b> <b>WEDNESDAY 13<sup>TH</sup> JULY 2011</b> <b>AT 7.00PM</b>
<b><u>VENUE</u></b> <b>HENDON TOWN HALL, THE BURROUGHS, HENDON NW4 4BG</b>

**TO: MEMBERS OF THE COMMITTEE (Quorum 3)**

Chairman: Councillor Andreas Tambourides  
Vice Chairman: Councillor Bridget Perry

**Councillors:**

Richard Cornelius	Barry Rawlings	Colin Rogers	Alan Schneiderman
Stephen Sowerby	Andrew Strongolou	Joanna Tambourides	Jim Tierney

**Substitute Ward Members:**

Pauline Coakley Webb	Brian Coleman	Anne Hutton	David Longstaff
Kath McGuirk	Andrew McNeil	Robert Rams	Lisa Rutter
Brian Salinger	Rowan Turner		

**You are requested to attend the above meeting for which an agenda is attached.**  
**Aysen Giritli – Head of Governance**

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

To view agenda papers on the website: <http://committeepapers.barnet.gov.uk/democracy>

**CORPORATE GOVERNANCE DIRECTORATE**

## ORDER OF BUSINESS

Item No.	Title of Report	Page Nos.
1.	ABSENCE OF MEMBERS	-
2.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS	-
3.	PUBLIC QUESTION TIME (if any)	-
4.	MEMBERS' ITEMS (if any)	-
5.	Report of the Assistant Director of Planning and Development Management	1 - 206
6.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	
7.	MOTION TO EXCLUDE THE PRESS AND PUBLIC:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act (as amended) shown in respect of each item:	-
8.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

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# **EAST AREA PLANNING SUB - COMMITTEE**

13 JULY 2011

ITEM 5

## **REPORT OF THE** **ASSISTANT DIRECTOR OF PLANNING AND** **DEVELOPMENT MANAGEMENT**

### **BACKGROUND PAPERS – GENERAL STATEMENT**

The background papers to the reports contained in the agenda items which follow comprise the application and relevant planning history files, which may be identified by their reference numbers, and other documents where they are specified as a background paper in individual reports. These files and documents may be inspected at:

Building 4, North London Business Park  
Oakleigh Road South  
New Southgate  
London N11 1NP

Contact Officer: Mrs V Bell, 020 8359 4672

## **EAST AREA PLANNING SUB - COMMITTEE**

DATE: 13 July 2011

### **INDEX TO THE REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT**

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**B/01898/11**

Brunswick Park

56 Osidge Lane, London, N14 5JG

Erection of a 2.2m high gate across the access road between 54 and 56 Osidge Lane.

**Approve Subject to Conditions**

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**B/02218/11**

Brunswick Park

7 - 11

Brunswick Park JMI School, Osidge Lane, London, N14 5DU

Erection of single storey modular children's nursery building with canopy to the eastern elevation (B) and external lighting to access road and car park area, all following demolition of caretakers house. New weldmesh fencing and access ramp with handrails.

**Approve Subject to Conditions**

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**B/01766/11**

Coppetts

12 - 26

204 Colney Hatch Lane, London, N10 1ES

Amendment to planning permission B/00138/09 for 'Demolition of existing showroom and office building, storage hut, garages and workshop buildings and the erection of three buildings providing showroom, warehouse, storage and office floorspace with associated driveways, loading bays and car parking.' Amendments to include new front entrance and alterations to front elevation including redesign of cladding. Single storey side/ front extension and associated internal alterations including relocation of internal fire exit. First floor goods lift doors.

**Approve Subject to Conditions**

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**F/01899/11**

East Finchley

27 - 35

6 Durham Road, London, N2 9DN

Removal of ground floor bedsit to enlarge existing one bedroom flat at ground floor.

**Approve Subject to Conditions**

**F/02055/11**

East Finchley

36 - 41

Ground Floor Flat, 77 Leicester Road, London, N2 9DY

Single storey rear and side extension.

**Approve Subject to Conditions**

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**F/02268/11**

East Finchley

42 - 46

Lorraine Court, Park Gate, London, N2 8BY

Removal of Condition No.5 (Code Level 3) pursuant to planning permission Ref:F/03736/10 dated: 9/11/2010 ("Roof extensions including 2 rooflights to front, 2 dormer windows and a rooflight to rear and a side dormer window to facilitate creation of new apartment within roofspace of existing residential building").

**Approve**

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**F/02275/11**

East Finchley

47 - 53

9 Fortis Green, London, N2 9JR

Alterations to roof including rear dormer window to existing first floor flat to create a third bedroom.

**Approve Subject to Conditions**

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**F/02399/11**

East Finchley

54 - 65

88 Church Lane, London, N2 0TE

Conversion of first floor into 1no residential unit with associated extension to roof including rear dormer window to facilitate a loft conversion. Change of use of ground floor from A2 (Professional Services) to B1 (Light Industrial). Associated single storey side and rear extension. Relocation of existing access to rear. New parapet wall to elevation adjacent to 90 Church Lane.

**Approve Subject to Conditions**

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**F/02378/11**

East Finchley

44C High Road, London, N2 9PJ

Internal alterations to convert existing flat from 1no bedroom into 2no bedroom self-contained unit including installation of 2no front rooflights and 1no rear rooflight.

**Approve Subject to Conditions**

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71 - 110

**B/03642/10**

High Barnet

Barnet Market Site, 5 St Albans Road, Barnet, Herts, EN5 4LN

Extension to the time limit for implementing planning application N12197C/05 granted 03/11/05 for 'Redevelopment of site comprising part two, part three-storey building for continued use as a market on the ground floor, with a total of 14 residential units on the upper floors with associated amenity space, and basement parking (accessed from Chipping Close) for 27 cars.

**Approve following completion of S106**

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111-124

**B/03174/10**

Oakleigh

65-67 Oakleigh Park South, London, N20 9JL

Conversion of existing property into 5 self-contained residential units including rear landscape alterations, parking and associated amenities. Single storey rear extension.

**Approve following completion of S106**

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**B/01923/11**

Totteridge

125 -133

Whyte Lodge, Grange Avenue, London, N20 8AA

Amendment to planning application reference N000735H/06 for the 'Demolition of part built structure with basement level and habitable room in roof space' dated 28-Sept-2007. Amendments include new front porch, single storey rear extension and changes to the design of the rooflights.

**Approve Subject to Conditions**

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**B/02086/11**

Totteridge

Land At Rear Of, 10-20 Holden Road, London, N12 8HT

Variation to development in course of completion for (Erection of 7no. three bed houses), Ref (N08421D/02) dated (5th December 2003), in respect of installation to of (Providing rooms within the lofts of the existing newly built house (7no.) with dormers to the rear (one dormer per each house).

**Approve Subject to Conditions****B/02213/11**

144 -151

Totteridge

53A Ridgeview Road, London, N20 0HG (Land between 51 &amp; 53)

Erection of a two storey dwelling house plus associated rear dormer to accommodate rooms in roofspace.

**Approve Subject to Conditions****B/01233/11**

152 -161

Underhill

4 Hammond Close, Barnet, Herts, EN5 2EQ

Erection of a new two-storey building to provide two-self-contained flats adjacent to 4 Hammond Close, following demolition of garage. Allocated parking and landscape to front elevation.

**Approve Subject to Conditions****B/01554/11**

162 -167

Underhill

35 Sellwood Drive, Barnet, Herts, EN5 2RW

Single storey side and rear extensions.

**Approve Subject to Conditions****F/01452/11**

168-176

West Finchley

70-72 Ballards Lane, London, N3 2BU (Land R/O)

Change of use from B1 (Office Use) to D1 (Music School).

**Approve Subject to Conditions**

**F/01470/11**

177-182

West Finchley

First Floor Right, 183-191 Ballards Lane, London, N3 1LP

Change of use from B1/B2 to D2 (gym) including relocation of rear rooflight.

**Approve Subject to Conditions**

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**F/01534/11**

183-192

West Finchley

177 & 179 Ballards Lane, London, N3 1LP

Construction of first floor extension above commercial units to provide two 2-bedroom flats

**Approve Subject to Conditions**

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**F/01908/11**

193-197

West Finchley

18 Brent Way, London, N3 1AL

Demolition of existing steps and reduction of levels of front garden. Formation of new steps with binstore and bike store located under, new planting and alterations to the front boundary wall.

**Approve Subject to Conditions**

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**F/01620/11**

198-206

Woodhouse

Gloucester House, 150 Woodside Lane, London, N12 8TP

Use of ground floor as Montessori nursery school (D1 use). Alterations to car park layout to provide walkway access to school entrance. Associated internal alterations.

**Approve following completion of S106**



**LOCATION:** 56 Osidge Lane, London, N14 5JG

**REFERENCE:** B/01898/11

**Received:** 05 May 2011

**Accepted:** 13 May 2011

**WARD(S):** Brunswick Park

**Expiry:** 08 July 2011

**Final Revisions:**

**APPLICANT:** Mr Satish Thawani

**PROPOSAL:** Erection of a 2.2m high gate across the access road between 54 and 56 Osidge Lane.

**RECOMMENDATION: Approve Subject to Conditions**

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

Statement in support of the application, drawing of Charleston Security Gates, site location plan (date received 5-May-2011), Drawing No.1, Drawing No.2 (date received 13-May-2011),

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the gates hereby permitted shall not be raised, extended or altered in any manner whatsoever (such as the fitting of sheeting or blanking plates), without the prior specific permission of the Local Planning Authority.

Reason:

To safeguard the character and appearance of the general locality and the amenities of adjoining occupiers.

**INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):GBEnv1, D2, D5, GParking, M11 and M14.

Core Strategy (Publication Stage) 2010:

CS5

ii) The proposal is acceptable for the following reason(s): -

The development is not considered to have a detrimental impact on the visual or residential amenities of the neighbouring occupiers. The scale and design proposed is considered in keeping with the character of the area and would not have a harmful impact upon the streetscene. The proposal is also in accordance with the aforementioned policies.

2. The applicant should contact the Fire Brigade and London Ambulance Service to discuss their requirements.
3. The applicant must ensure that any equipment associated with the gate operation is located within the site boundaries and does not encroach onto the public highways.
4. The applicant is advised to contact all emergency services prior to installing the gates.
5. The applicant is advised that they will need permission from the land owner and any persons who have a right of way over the access road.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

### Relevant Unitary Development Plan Policies:

GBEnv1, D2, D5, GParking, M11 and M14.

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CS5

Relevant Planning History:

None for the application site

**Surrounding locality**

Rear Private Access Alleys Servicing 158-208 Hampden Way (even numbers) and 1-81 Whitehouse Way (odd numbers)

**B/01707/11** Erection of 4no iron security gates for private service alleyways accessing Hampden Way and Whitehouse Way. Conditional Approval 13/06/2011

Rear access roads servicing Mandeville Road, Underne Avenue and Hampden Way

**B/01973/10** Erection of 3 iron security gates for garage access roads and access roads fronting: Mandeville Road, Underne Avenue and Hampden Way. Conditional Approval 09/07/2010

Access road rear of Osidge Lane and Exeter Road

**N15870/07** Erection of a 2m high gate and fence across the access road between 98 Osidge Lane and 101 Exeter Road. Conditional Approval 06/02/2008

Rear access roads serving Lincoln Avenue, Mandeville Road and Hampden Way

**N15846/07** Erection of 2no security access gates for garage access road and access roads fronting Lincoln Avenue, Mandeville Road and Hampden Way. Conditional Approval 21/12/2007

Consultations and Views Expressed:

Neighbours Consulted: 41

Replies: 1 and a joint letter with 7 signatures

Neighbours Wishing To Speak  
0

The objections raised can be summarised as follows:

- Road would become completely private upon the erection of the gate
- Some house owners may in the future lay legal claim to their own section of the road as part of their own land thus depriving people of their legal right of way to the rear of their homes
- Gate would constitute a real hazard in case of emergency
- The driveway would more likely become full of rubbish and would be more difficult to clean the area
- The gate would not be in keeping with the rest of the street and would be a real eye sore
- The driveway does not belong to No.56 but to all residents
- There is no need for a gate
- Do not want anything built on our property

Internal /Other Consultations:

- Traffic & Development -

The proposal is for the installation of a gate on the entrance to private access road adjacent to 56 Osidge Lane.

The location of the gate will be on private land. The gate is set back more than one car length from the public highway carriageway and the operation of the gates will not affect the public highway.

The applicant must ensure that any gate operation equipment for is located within the site boundaries and does not encroach onto the public highways.

Please note that the applicant will need permission from the land owner and any persons who have a right of way over the access road.

### **Recommendation**

The proposal is considered acceptable on highways grounds as the location of the gate and its operation is not expected to have a detrimental effect on the public highway.

Informative: The applicant must ensure that any equipment associated with the gate operation is located within the site boundaries and does not encroach onto the public highways.

- Metropolitan Police Service (CB) -

No objections in principle

Date of Site Notice: 19 May 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is an existing, ungated access road on the northwestside of Osidge Lane, in between Nos 54 & 56 Osidge Lane. This access road provides access to garages at the rear of Nos 56-98 Osidge Lane.

### Proposal:

This application seeks consent for the erection of a 2.2m high gate across the access road between 54 and 56 Osidge Lane.

The gate would be 2.2m high and 2.9m wide and would not be a solid gate, therefore allowing views through it to the access road.

The gate would be set back from the pavement by approximately 7m.

The applicant has submitted information which indicates that the driveway to the side of the property, upon which the gate is to be erected is within the curtilage of the site. Owners of neighbouring properties do appear to have rights of way over this land.

## Planning Considerations:

The proposed gates are not considered to have a detrimental impact on highway safety. The Council's Highways Team has assessed the application and raise no objection.

The gates are set back from the street to ensure it is at least one cars length to leave plenty of space to safely join the highway. It is considered that no viewing angles will be obscured as a result of the development.

The Council's Design Guidance Note No.9- Walls, Fences and Gates deals with boundary treatment or means of enclosure around properties. The note does state that 'in considering the design and siting of fencing a balance has to be struck between privacy, safety and security on the one hand an aesthetic considerations on the other. The need for security does not outstrip other relevant considerations such as the visual impact and effects on local amenity.'

This proposal is considered to strike a balance between the security requirements of the residents and the streetscene of the area. The introduction of the gates is not considered to detract from the quality and character of the locality. The development is not considered to be overly prominent given its set back from the pavement and is considered to be acceptable.

The main reason the applicant has applied for the gates is to prevent fly-tipping, graffiti, criminal damage and other anti-social behaviour which occurs along the access road at the rear. The gates will therefore be locked by padlock. The applicant's have stated that the locking system will allow access to all emergency services.

The police have raised no objections to this proposal.

Further consultation with all Emergency Services by the applicants may be necessary before installation.

It is not considered that the development would have any detrimental impact upon the visual or residential amenities of the neighbouring occupiers or the character and appearance of the area. It is therefore recommended that the application be APPROVED

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Mainly dealt with in the planning appraisal however the following comments can be made:

- Rights of way are not a material planning consideration
- The applicant has indicated that the driveway is within the ownership of the applicant.

### **4. EQUALITIES AND DIVERSITY ISSUES**

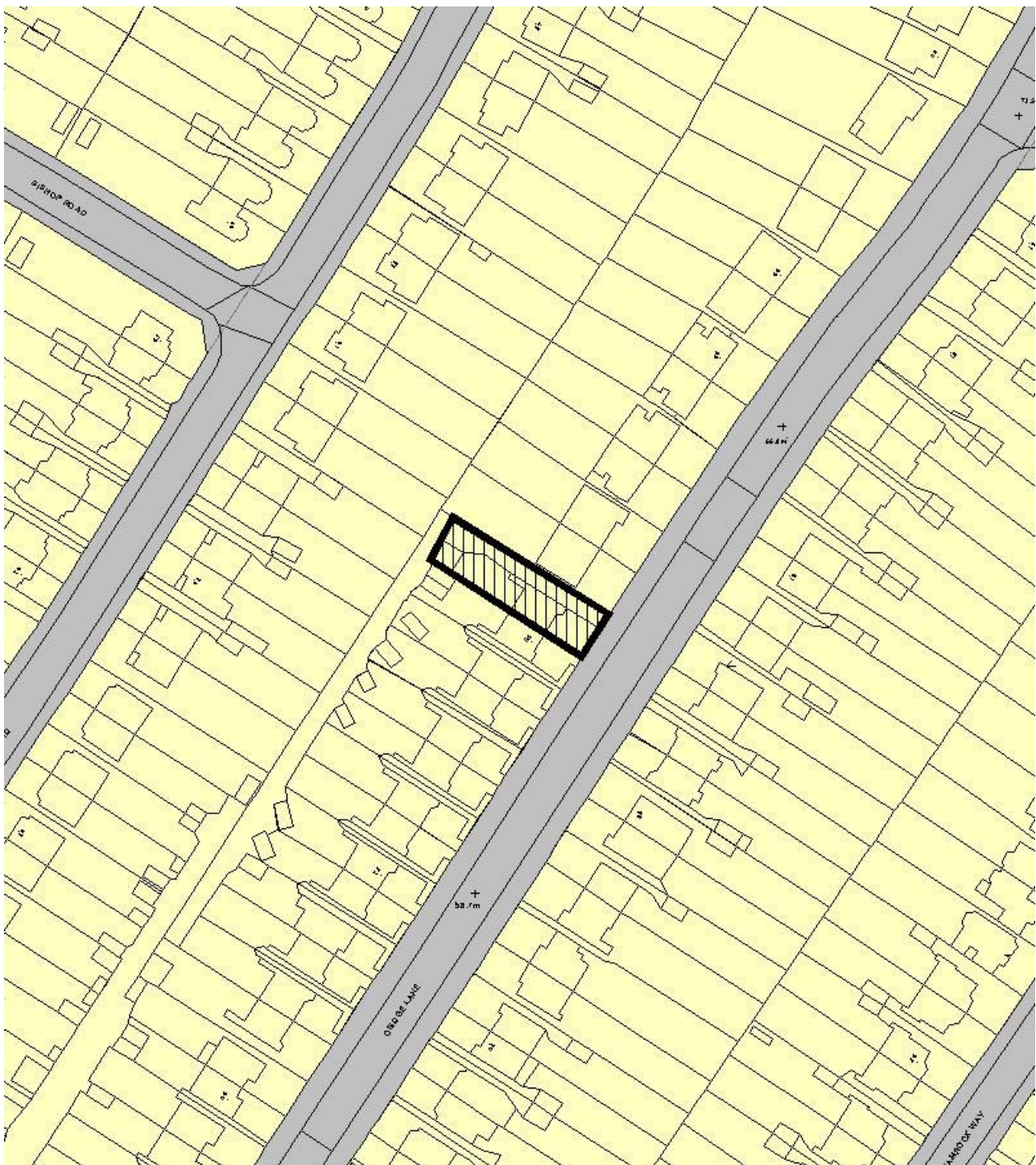
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

This application is recommended for approval subject to conditions.

**SITE LOCATION PLAN:** 56 Osidge Lane, London, N14 5JG

**REFERENCE:** B/01898/11



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**LOCATION:** Brunswick Park JMI School, Osidge Lane, London, N14 5DU

**REFERENCE:** B/02218/11

**Received:** 25 May 2011

**Accepted:** 01 June 2011

**WARD(S):** Brunswick Park

**Expiry:** 27 July 2011

#### **Final Revisions:**

**APPLICANT:** London Borough of Barnet

**PROPOSAL:** Erection of single storey modular children's nursery building with canopy to the eastern elevation (B) and external lighting to access road and car park area, all following demolition of caretakers house. New weldmesh fencing and access ramp with handrails.

#### **RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan (Received 01.06.2011); Design & Access Statement (Received 25.05.2011); Supporting Statement (Received 25.05.2011); Drawing No. 11-5145-06 Rev. B (Received 25.05.2011); Drawing No. 11-5145-03 Rev. A (Received 25.05.2011); Drawing No. 11-5145-01 Rev. B (Received 25.05.2011); Drawing No. BPS 01 (Received 25.05.2011); Arboricultural Survey (Received 25.05.2011); Proposed Lighting to Car Park (Received 27.06.2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Policies GBEnv1, GBEnv2, D1, D2, D5 and CS9 of the London Borough of Barnet Adopted Unitary Development Plan 2006; Planning Policy Statement 1 (PPS1) - Delivering sustainable development; and Policy 4B.8 of The Mayor's London Plan.

Core Strategy (Publication Stage) 2010:

Relevant policies: CS5.

ii) The proposal is acceptable for the following reason(s): -

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general locality. It is not considered to have a harmful impact on the amenities of neighbouring occupiers and is in accordance with aforementioned policies.

## 1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement 1 (PPS1) - Delivering sustainable development.

The Mayor's London Plan (consolidated with alterations since 2004):

Policy 4B.8 - Respect Local Context and Communities.

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D5 and CS9.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS5.

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	B/02018/09
<b>Validated:</b>	17/06/2009	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	12/08/2009
<b>Summary:</b>	APC	<b>Case Officer:</b>	Mary Kearns
<b>Description:</b>	Replacement modular building		

- B/00343/08 - Approved (12.05.2008)  
Submission of details of Condition 2 (Materials) pursuant to planning permission reference



N15825/07 dated 28.01.08.

- N15825/07 - Approved Subject to Conditions (28.01.2008)

Erection of temporary classroom.

- N00949AF - Approved Subject to Conditions (01.07.1996)

Nursery / reception classroom.

- N00949AE - Approved Subject to Conditions (13.02.1996)

Single-storey extension to provide nursery for 26 children plus reception classroom for existing children, with toilet facilities.

- N00949AC - Approved Subject to Conditions (08.09.1994)

Double demountable classroom building.

- N00949P - Approved Subject to Conditions (07.06.1989)

Single-storey extension (re-building of infants wing). Council Development Regulation 4(5).

### Consultations and Views Expressed:

Neighbours Consulted: 31

Replies: No comments received at the time of publishing the Committee Report.

Neighbours Wishing To 0  
Speak

### Internal /Other Consultations:

- Traffic & Development -

No comments received at the time of publishing the Committee Report.

- Childrens Service -

No comments received at the time of publishing the Committee Report.

- Early Years -

No comments received at the time of publishing the Committee Report.

Date of Site Notice: 09 June 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application relates to the Brunswick Park School located on the southern side of Osidge Lane, to the rear of the residential properties at No.s 153-193 Osidge Lane.

There is an access road which runs along the sites northern boundary and defines the rear boundaries of the properties on Osidge Lane. This provides access to the school's rear car park from Osidge Lane.

There is an existing detached building within the eastern portion of the school site and immediately adjacent to the access road. This building is currently vacant but once served as accommodation for the school caretaker. Although it is located within the main site, this building is separated from the school grounds by fencing and dense hedging. Due to its siting, it is not visible from the main road (Osidge Lane).

### Proposal:

This application involves the demolition of the existing caretakers house and the erection of

a single storey modular children's nursery building with a canopy to the eastern elevation (B); external lighting to the access road and car park area; new weldmesh fencing; and an access ramp with handrails.

#### Planning Considerations:

- **Modular children's nursery building:**

The proposed single-storey modular building would measure 15m wide; 9.6m deep; and approximately 3m in height to the top of the flat roof. A 9.6m wide / 3m deep timber framed canopy (measuring 2.35m - 2.5m in height) would also adjoin the eastern flank elevation of the modular unit. The overall building would replace the existing caretakers house and would sit approximately 5.2m from the access road / approximately 13m from the rear boundaries of the properties along Osidge Lane.

The proposed building would be finished with Plastisol coated steel cladding, and would have white PVC windows and composite steel doors.

These windows would be incorporated along the front and rear elevations of the proposed building. Due to its location and distance from the neighbouring properties, the proposed modular building is not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overlooking or loss of privacy.

Due to the nature of the development and the existence of a similar building (which the proposed modular building would replace); and considering the size and location of the proposed building, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overbearing, loss of light or loss of outlook.

Due to its size, design and siting, the proposed modular building is not considered to have a detrimental impact on the character and appearance of the application site or the general locality.

- **New fencing:**

The proposed weldmesh fencing would extend from the access road, southwards towards the proposed access ramp and gradually eastwards, right up to the sites eastern boundary. This fencing would measure 1.2m in height and coloured green, to match the existing fencing on the far side of the synthetic pitch.

The proposed 1.9m tall palisade fencing would replace part of the existing fencing around the caretakers house, all of which is to be removed. This proposed fencing would sit adjacent to the proposed modular building and would extend along the side of the access road for a distance of 28.8m. It would then continue at a right angle to the access road for a distance of 10.6m.

Due to the size and siting of this fencing, and in particular its set back from the main road, and considering the existing palisade fencing on this part of the site, this proposal is not considered to have a detrimental impact on the character or appearance of the application site or the general locality.

Due to the height and siting of the proposed fencing, and in particular its distance from the neighbouring properties, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers.

- External lighting to the access road and car park:

This proposal involves the installation of bulkhead lighting to the existing palisade fencing, which extends along the western and southern side of the car park; and to part of the existing palisade fencing which runs along the southern side of the access road (opposite the rear boundaries of the properties on Osidge Lane). This lighting would be installed at a height of 1.8m above ground level and at 4m intervals.

Due to the design, size and siting of these bulkhead lights, and in particular their distance from the neighbouring properties, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers or on the character or appearance of the application site or the general locality.

- Access ramp with handrails:

Due to the undulating ground levels within the eastern part of the Brunswick Park JMI School, the proposed access ramp would provide level access from the main school building / playground area, down to the proposed modular building. This ramp would have a gradient of 1:15 and would be constructed of brick with an anti-slip surface.

The proposed ramp would have an overall length of 66.4m, however as this ramp would 'wind' down this slope, the largest single length of the ramp would only measure 32m.

In order to accommodate this ramp, three trees would be removed. These include a Eucalyptus, a Rowan and an Elder tree, none of which are protected under a Tree Preservation Order. Due to their size and siting, the loss of these trees is not considered harmful to the character or appearance of the application site or the general locality.

Due to the size and siting of the ramp, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers or on the character or appearance of the application site or the general locality.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

No objections received at the time of publishing the Committee Report.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

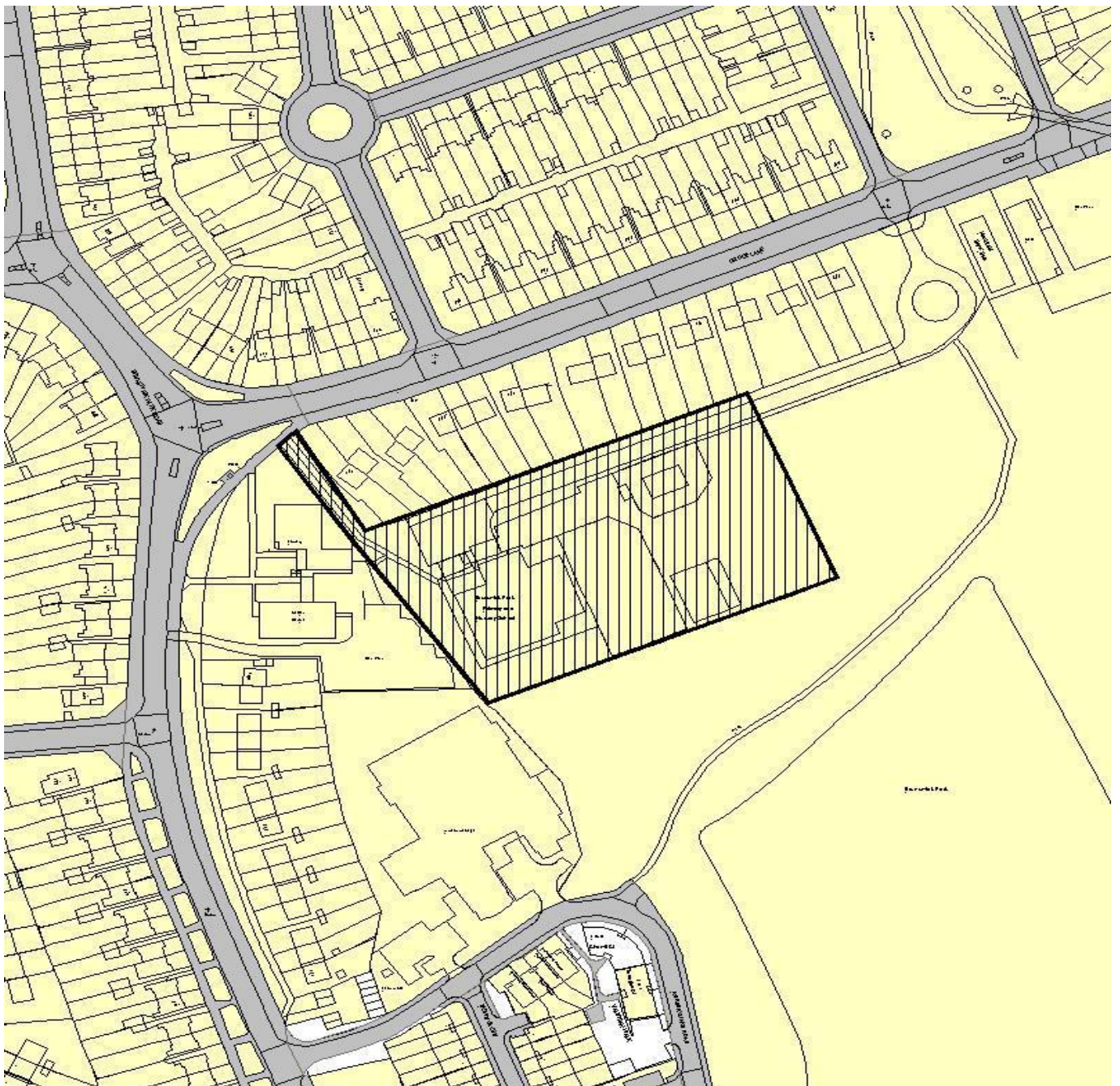
The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for approval subject to conditions.

**SITE LOCATION PLAN:  
5DU**

**Brunswick Park JMI School, Osidge Lane, London, N14**

**REFERENCE:**

**B/02218/11**



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**LOCATION:** 204 Colney Hatch Lane, London, N10 1ES

**REFERENCE:** B/01766/11

**Received:** 26 April 2011

**Accepted:** 26 April 2011

**WARD(S):** Coppetts

**Expiry:** 26 July 2011

**Final Revisions:**

**APPLICANT:** Miles Decorating Ltd.

**PROPOSAL:** Amendment to planning permission B/00138/09 for 'Demolition of existing showroom and office building, storage hut, garages and workshop buildings and the erection of three buildings providing showroom, warehouse, storage and office floorspace with associated driveways, loading bays and car parking.' Amendments to include new front entrance and alterations to front elevation including redesign of cladding. Single storey side/ front extension and associated internal alterations including relocation of internal fire exit. First floor goods lift doors.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 06/3076/BP, NY/07A, 06/3076/12 rev. C, 06/3076/14 rev. C, 06/3076/09 rev. C, TE/NY/02/A (amended plan received 29/06/2011), TE/NY 08 (amended plan received 29/06/2011), TE/NY/04 (amended plan received 29/06/2011), TE/NY/03 (amended plan received 29/06/2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted is occupied the parking spaces/garages shown on Plans 06/3076/17 Rev. G, 06/3076/13 Rev. B, 06/3076/15 Rev. C, 06/3076/16 Rev. A, 06/3076/17 Rev. B of planning permission B/00138/09 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

4. The access road/ estate road shall be constructed in accordance with the details approved under application B/04548/09 dated 05/02/2010 before the site is occupied.

Reason

To ensure a safe form of development and to protect the amenities of the area.

5. The access to the site and reinstatement of the northern access point shall be constructed in accordance with the details approved under B/04548/09 dated 05/02/2010 before the site is occupied.

Reason:

To ensure a safe form of development and to protect the amenities of the area.

6. The levels of the buildings, roads and footpaths shall be constructed in accordance with the details approved under B/04548/09 dated 05/02/2010.

Reason:

To ensure work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and amenities of adjoining occupiers and the health of any trees on the site.

7. The materials used in the external surfaces of the buildings shall be in accordance with those approved under B/04548/09 dated 05/02/2010.

Reason:

To safeguard the visual amenities of the locality.

8. Except as may otherwise be agreed in writing by the Local Planning Authority the development hereby permitted may only be used for retail sales within the following categories and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to the Class in any Statutory Instrument amending or invoking and re-enacting that order:-

- a. Bathrooms, bathroom fittings and furniture;
- b. Ceramic tiles;
- c. Decorating materials;
- d. Associated plumbing, tiling and decorating products.

Reason:

To ensure that the premises are not used for unrestricted A1 purposes and to control the trading effects of the proposal in the interests of the vitality and viability of nearby town centres.

9. No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 9.00 am or after 4.00 pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

10. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved by the Local Planning Authority under B/04548/09 dated 05/02/2010.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

11. Acoustic fencing shall be implemented in accordance with the approved details in application B/04547/09 dated 05/02/2010 before the use commences.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

12. Enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable shall be provided at the site in accordance with the approved details under application B/04548/09 before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

13. The flat roof parts of the building 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

14. Before the building hereby permitted is occupied the proposed first floor windows of both buildings 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

15. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

16. The landscaping of the site shall be carried out in accordance with the approved details under B/04548/09 dated 05/02/2010.

Reason:

To ensure a satisfactory appearance to the development.

17. 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.

Reason:

To ensure a satisfactory appearance to the development.

18. 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.

19. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

20. The recommendations and mitigation measures outlined in the acoustic report previously submitted to and approved under application B/04547/09 shall be adhered to and implemented in their entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development

21. The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of an existing neighbouring property at (address) at the time of this decision notice.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of an existing neighbouring property at the time of this decision notice.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

22. The extraction and ventilation equipment shall be as per the approved details under application B/04547/09 unless otherwise agreed in writing by the Local Planning Authority.



Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

- 23 The vibration mitigation measures shall be carried out in accordance with the details approved under B/04547/09 before the use commences.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road

24. A method statement detailing remediation requirements, using information obtained from the site investigation (as per condition 25(a) and (c) of B/00138/09 discharged under B/04547/09) and also detailing any post remedial monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on site.

Reason:

To ensure a satisfactory treatment of the site and to protect the amenities of the area.

- 25 Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

- 26 The foul and surface water drainage system shall be carried out in accordance with details approved under application B/04548/09.

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

27. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

28. The use hereby permitted shall not be open to customers on Sundays or Bank or Public Holidays or before 8:00 am or after 6:00 pm on weekdays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

29. The fire exit door on the east elevation shall be sound proofed as per the agreed details in application B/04548/09 dated 05/02/2010 and permanently maintained.

Reason:

To safeguard the amenities of adjoining residential properties

30. The fire exit door on the east elevation shall be used solely for emergency purposes and shall remain closed at all other times.

Reason:

To safeguard the amenities of adjoining residential properties.

31. The use and layout of the area of the site in between the rear (east) elevation of the front building and the site boundary with properties in Cambridge Gardens shall be implemented in accordance with the details approved under B/04548/09 and permanently maintained thereafter.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

32. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority:

The installation of any additional windows, doors or any other elevational changes.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

33. No siteworks on the southern part of the site and the rear warehouse building and associated parking area shall take place until a method statement detailing precautions to minimise damage to protected trees in accordance with Section 7 of BS5837:2005 "Trees in Relation to Construction - Recommendations" has been submitted to and approved in writing by the Local Planning Authority and the demolition and construction shall be carried out in accordance with such statement.

Reason:

To safeguard the health and appearance of trees of special amenity value.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):GSD, GBEnv1, GBEnv2, GParking, GTCR1, GTCR2, TCR1, TCR5, TCR7, ENV6, ENV7, ENV12, ENV14, D1, D2, D3, D4, D5, D6, D11, D13, M1, M2, M11, M12, M13, M14, M17, EMP2, EMP3.

Core Strategy (Publication Stage) 2010: CS1, CS5, CS8, CS11.

The Mayor's London Plan: Consultation draft replacement plan 2009

PPS1 - Delivering Sustainable Development

PPS4 - Planning for Sustainable Economic Growth

PPG13 - Transport

PPG24 - Planning and Noise

ii) The proposal is acceptable for the following reason(s): - The proposed amendments are considered to have an acceptable impact on the character and appearance of the street scene and general locality. The proposals are not considered to have an adverse impact on the amenities of the neighbouring residents and are in accordance with the aforementioned policies.

2. To ensure the re-instatement of the footway and suitability of the remaining crossover the applicant may be required to submit an application under Section 184 of the Highways Act (1980). The removal of the existing crossover, the proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the on site development, will be borne by the applicant

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

PPS4 - Planning for Sustainable Economic Growth

PPG13 - Transport

PPG24 - Planning and Noise

### The Mayor's London Plan: Consultation draft replacement plan 2009

### Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GParking, GTCR1, GTCR2, TCR1, TCR5, TCR7, ENV6, ENV7, ENV12, ENV14, D1, D2, D3, D4, D5, D6, D11, D13, M1, M2, M11, M12, M13, M14, M17, EMP2, EMP3.

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS1, CS5, CS8, CS11.

Relevant Planning History:

B/00138/09 - Approved 30/04/2009

Demolition of existing showroom and office building, storage hut, garages and workshop buildings and the erection of three buildings providing showroom, warehouse, storage and office floorspace with associated driveways, loading bays and car parking.

(Variation to approved scheme reference B/00564/08 dated 01/07/2008 to include increase in height of rear wall to front show room at ramp end and bring back in from rear boundary from 2m to 3m. Change of front showroom roof from arch to pitch. Increase in height of proposed close board boundary fence from 1800 to 2400mm high. Introduction of internal mezzanine floor level to rear addition)

B/00564/08 - Approved 17/07/2008

Demolition of existing showroom and office building, storage hut, garages and workshop buildings and the erection of three buildings providing showroom, warehouse, storage and office floorspace with associated driveways, loading bays and car parking.

B/04547/09 - Approved 05/02/2010

Submission of details of conditions 10 (Scheme to include Acoustic Fencing), 19 (Noise Report for Site Plant), 20 (Noise from Site Plant), 22 (Impact of Noise), 23 (Extraction and Ventilation Equipment), 24 (Vibration from Industry and Traffic) and 25 (Contaminated Land-Parts (a) and (b) only) pursuant to planning permission reference B/00138/09 dated 30-04-09.

B/04548/09 - Approved 05/02/2010

Submission of details of Conditions 3 (Estate Road), 4 (Access point and Northern access wall - Details), 5 (Levels), 6 (Materials), 9 (Means of Enclosure), 11 (Refuse), 15 (Landscaping - Details), 21 (Delivery area and ramp to front - Details), 27 (Foul and surface water drainage - Details), 32 (Services in relation to trees), 33 (Sound insulation to the access door in the rear (east) elevation of the front building - Details), 34 (Use and layout of the area of the site in between the rear (east) elevation of the front and the site boundary - Details) pursuant to planning permission B/00138/09.

Consultations and Views Expressed:

Neighbours Consulted: 419

Replies: 7

Neighbours Wishing To 2

Speak

The objections raised may be summarised as follows:

- The fire exit is now proposed to be at first floor level with a metal staircase and will not be screened by fencing and remaining trees will do little to screen this
- The approved exit at ground floor level would be less obvious to the adjoining flats and screened by a substantial fence
- Concern that sound will travel through the exit door - can these be insulated?
- It seems there are no limits or boundaries for this development and new alterations/additions appear without consultation
- The front elevation looks nothing like the original plans which were quite attractive - is the developer not bound to stick to the original plans?
- A 3m gap was to be left between the building and the boundary with Cambridge Gardens to allow space for landscaping - a staircase will impinge on this space
- The gaps to the boundaries appear to be reduced from the approved scheme
- The developers have cut down and killed several trees in the building process
- This creeping extension to the building works should be stopped - it is already overbearing in this residential area
- The extension to the front of the building close to the flats at Monkswell Court is another creeping extension to the development for no sound reason
- Unacceptable visual impact and overlooking from proposed staircase
- The 2m high boundary fence is insufficient to screen the development and landscape proposals should be submitted to ensure the residents views are fully taken into account
- Such proposals should include a full tree survey in accordance with BS5837:2005, a plan showing full protection measures and a planting plan showing how the developer will mitigate the adverse impacts on the adjacent residences - this has been neglected to date and views of adjacent residents have not been considered and their denudation of their visual amenity and the intrusion of their privacy is unacceptable
- The existing Leylandii should be covered by a TPO so that they are retained and the value they provide to residents privacy would be retained and is useful in negotiating suitable replacement with the developer
- Will a new fence be erected as part of the current consent? This should be erected using methods to avoid damaging the existing trees, their root systems and any foundations should be either sheathed to avoid phyto-toxity from the cementitious products or spigots should be used
- The plans could be modified to reduce impacts by internalising the fire escape
- Appreciate that some amendments are required for H&S reasons but these should have been designed into the scheme
- The original application was for a showroom and sales area but it seems that it is proposed to be more of a B&Q type DIY centre as time progresses
- Impact on parking due to number of employees and customers to make it a viable business
- Loss of privacy as a result of the proposed position of the fire exit
- The reasoning for the extension next to the Monkswell causes concern, is Chris Steven's saying that the development will attract robbers and thieves to the area; Barnet Council and the Police have a responsibility to keep crime at a low level not actively encourage it
- Adjoining properties would be devalued
- Further impacts on noise and traffic generation
- Request that limitations on construction working hours are adhered to

### Internal /Other Consultations:

- Traffic & Development - No objections.

Date of Site Notice: 12 May 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is the former Palmsville MG Rover garage located on the east side of Colney Hatch Lane between its junctions with Wetherill Road and Pembroke Road. The site extends to approximately 0.54 hectares and takes the form of two conjoined squares.

The surrounding area is predominantly residential in nature, but lies to the north of Colney Hatch Lane neighbourhood shopping centre.

The site previously contained a number of commercial/ industrial buildings:

- A part single, part two storey showroom and office building at the front of the site, with the two storey part, closest to Monkswell Court
- A substantial "nissan hut" type structure on the boundary with Nos. 46 to 75 Cambridge Gardens
- A two storey workshop building positioned on the rear part of the site, with a single storey element projecting towards Wetherill Road
- A block of garages with a tall monopitch roof positioned against the boundaries of Nos. 192 - 202 Colney Hatch Lane.

The site has rising levels from Colney Hatch Lane into the rear part of the site, which is generally level. However, it is generally at a similar level to the land to the north and south, but there is a difference of approximately 1 storey to the lower land to the east in Cambridge Gardens.

To the north of the site is Monkswell Court, a substantial, three storey block of flats. This is sited close to the site boundary and a detached dwelling, No. 206 Colney Hatch Lane, which has limited space around it. To the east of the site is Cambridge Gardens, a modern flat development, where the buildings are two and three storeys in height. These are set at a level approximately one storey lower than the application site. There are some amenity areas close to the site boundaries, but also some large car parking areas. To the south are the houses in Wetherill Road, whose rear gardens abut the site boundary. The gardens are a minimum of 12m in length. To the west of the site are a terrace of buildings, some of which have been divided into flats. Their rear gardens are typically 13m in length.

Whilst there are no trees on the site, there are a number in the gardens and amenity areas of the surrounding buildings, notably in Cambridge Gardens, where some of the trees adjacent to the south eastern corner of the site are protected by a Tree Preservation Order.

Access to the site is gained from Colney Hatch Lane, via two crossovers, one adjacent to No. 206 and one adjacent to No. 202, which gives direct access, immediately adjacent to No. 202, to all parts of the site.

The site received planning permission for redevelopment for a storage, warehouse and showroom development in 2008 initially (B/00564/08) which was later varied by planning permission B/00138/09 in 2009. Works have commenced on the redevelopment of the site but are concentrated on the 'front showroom building' on the northern part of the site adjoining Monkswell Court and Cambridge Gardens. Works are yet to commence on the rest of the development

#### Proposal:

The application seeks several amendments to the approved showroom building.

The approved building is a part single, part two storey building providing approximately 500 m<sup>2</sup> of showroom floorspace and approximately 1,000 m<sup>2</sup> of storage floorspace. The building is sited 3m from the eastern boundary with the flats and communal gardens of Cambridge Gardens (the height of the building at this point is 5.8m) which as per the latest approval (B/00138/09) will be separated by a 2.4m high fence and 1m from the boundary with Monkswell Court.

The changes proposed include:

- Alterations to the design of the front elevation including changes to the fenestration, cladding and brickwork
- Formation of a front entrance porch
- Extension to the front western corner of the building
- Installation of a goods door at first floor on the south flank elevation and removal of the loading ramp to the south side of the building

The scheme has been amended during the course of the application to remove the first floor fire exit door on the east elevation and associated staircase. The fire exit is now shown in the approved location on the ground floor of the east elevation.

Several conditions pursuant to the earlier planning permission have already been discharged under planning references B/04547/09 and B/04548/09 as outlined in the planning history above.

#### Planning Considerations:

The main considerations in this case are whether the amendments proposed to the approved development would have an acceptable impact on the character and appearance of the area and amenities of neighbouring residents compared to the approved scheme. The principal of the use and the implications regarding traffic generation have already been deemed acceptable in the original approval for redevelopment and these would remain unchanged.

The proposed changes to the front elevation involve a change to the proportion of glass, brick and cladding. The changes proposed result in the loss of the curved appearance of the roof given the use of rectangular glass panels and increase in the amount of brick. However, the roof structure itself in terms of shape and height is not proposed to change. These proposed alterations are considered to be acceptable and would not significantly alter the character and appearance of the development or the impact of the development on the street scene or general locality. The materials used in the external construction were approved under the application for discharge of condition B/04548/09.

In addition to these changes a front entrance porch is also proposed whereas previously there was a small glass canopy. The predominantly glazed front entrance porch would be 5.6m wide, 3.5m high with a sloping roof and would project 2.6m from the front wall of the

building. This element of the proposal is considered to be acceptable.

The proposed extension to the north side of the building adjacent to the boundary with Monkswell Court would infill the front corner. The extension would adjoin the existing single storey element to the north of the building and would be flush with the front wall of the building. It would be approximately 4m wide and 4m deep. It would have a flat roof that would be 3m high, 1.1m lower than the existing single storey part to which it adjoins. This extension is not considered to have an adverse impact on the character or appearance of the development or amenities of adjoining residents. It would be sited 1m from the boundary with the amenity area of The Lodge, Monkswell Court and 14-21 Monkswell Court. However, it is not considered to be unduly obtrusive or overbearing as perceived from these neighbouring properties or their amenity areas compared to the already approved single storey part of the building.

The re-arrangement of the goods entrance at the ground floor level consequently results in the removal of the delivery ramp up to the first floor level and as such a secondary door at first floor level is proposed. This is intended as a secondary back-up if the goods lift inside the building fails at any time. The door is proposed to be sound proofed in line with the approved soundproofing details for the previously approved fire door. This element of the proposal is considered acceptable.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

- The landscaping proposals for the site were approved under application B/04548/09 and given the amendments to the scheme to remove the first floor fire exit and staircase would not be materially affected by the proposals.
- The relationship between the building and the boundaries with adjoining properties remains as approved, 3m to Cambridge Gardens and 1m to Monkswell Court.
- A condition requiring the submission of a method statement has been imposed in association with the impact of the construction on TPO trees in the south east corner of the site as these are the only trees of special amenity value on/ adjacent to the development site.
- A tree survey is not considered necessary given the nature of the amendments to the already approved development; the impact on trees was fully considered during the previously approved applications and the current proposals are not considered to be materially different in this regard. The approved landscaping scheme once implemented is considered sufficient.
- The trees to the east of the showroom building are not protected by a TPO and are not worthy of protection within a TPO given their limited public amenity value (despite valuable screening for adjoining residents) and proximity to buildings (previous building and proposed).
- A 2.4m high fence is to be erected along the eastern boundary with Cambridge Gardens as per the previous approval
- Property prices are not a material planning consideration
- A landscaping scheme has been approved for the site to incorporate new boundary screening between the development site and Cambridge Gardens.
- The use of the site and nature of the development remains unchanged from the approved development and as such traffic generation will not be altered by the proposed amendments subject of this application.
- A condition relation to construction working hours has been imposed.



#### **4. EQUALITIES AND DIVERSITY ISSUES**

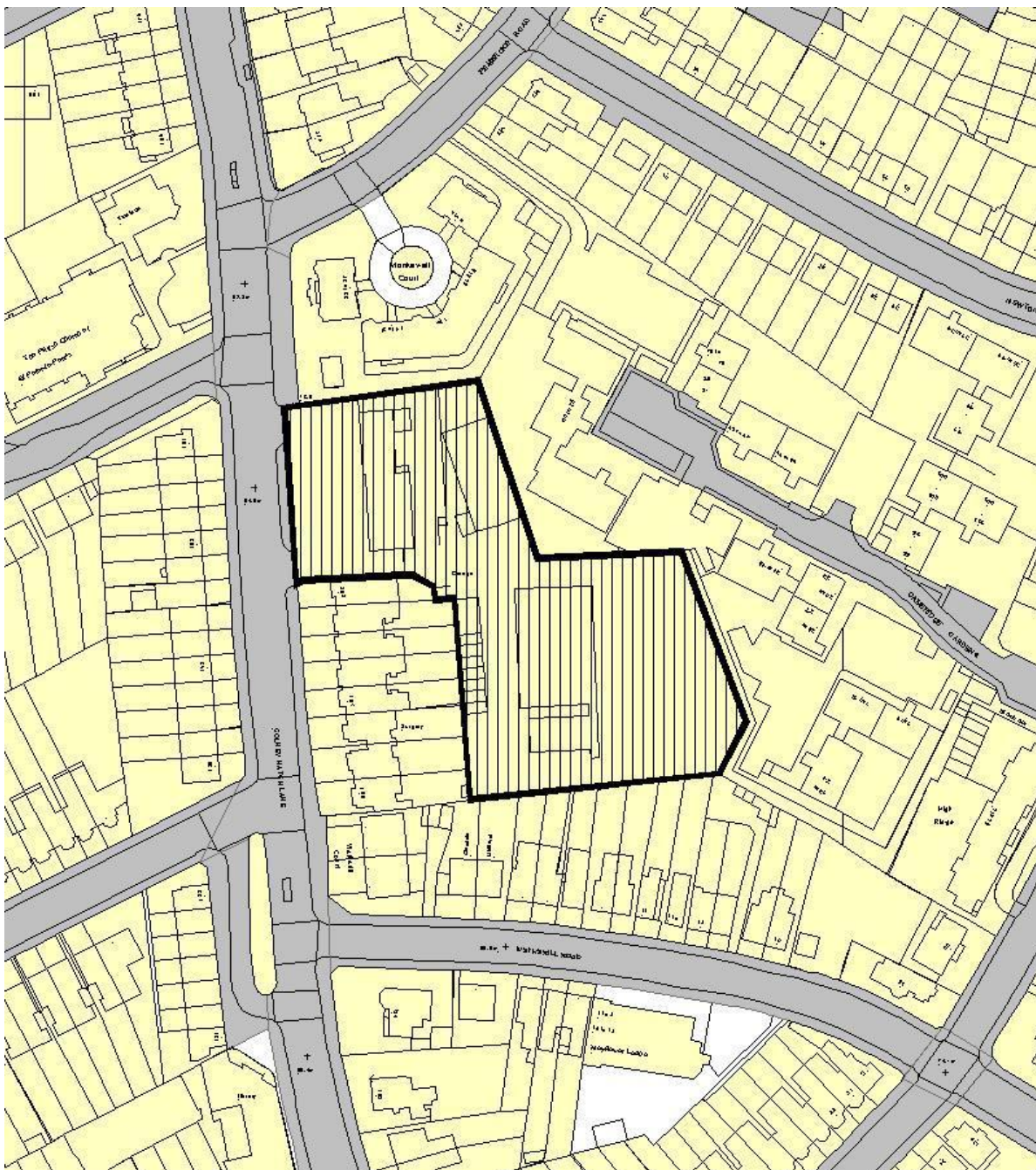
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **5. CONCLUSION**

The proposed amendments to the approved development is considered to have an acceptable impact on the character and appearance of the area and amenities of neighbouring residents. Approval is therefore recommended.

**SITE LOCATION PLAN: 204 Colney Hatch Lane, London, N10 1ES**

**REFERENCE: B/01766/11**



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**LOCATION:** 6 Durham Road, London, N2 9DN

**REFERENCE:** F/01899/11

**Received:** 04 May 2011

**Accepted:** 10 May 2011

**WARD(S):** East Finchley

**Expiry:** 05 July 2011

**Final Revisions:**

**APPLICANT:** Residential Sales (London) Ltd

**PROPOSAL:** Removal of ground floor bedsit to enlarge existing one bedroom flat at ground floor.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement; Plan no's: B2524-20; B2524-23.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

4. No development shall take place until details of the arrangements to meet the obligation for education facilities and the associated monitoring costs have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS8, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education" and "Planning Obligations".

**INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, H2, H9, H16, H26, CS2, CS8, CS13, IMP1 and IMP2; & Barnet Core Strategy's relevant policy CS5:

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

The determination of planning applications are made mindful of Central Government advice and the Development Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Planning Policy Statement PPS 1 "Delivering Sustainable Development", states at paragraph 3 that "At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone now and for future generations". High quality inclusive design is identified as one of the key principles that should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. Paragraph 13(iv) indicates that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted" and at para. 18 that "Planning should seek to maintain and improve the local environment.... .... through positive policies on issues such as design...." Further comment regarding "Design" is made at para's 33-39.

Planning Policy Statement PPS3 "Housing" (2006), along with other Government housing policy and planning policy statements, provides the context for plan preparation in relation to housing development. Paragraphs 12-19 relate to the achievement of high quality housing. In para. 16 the matters to consider when addressing design quality include the extent to which the proposed development is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. PPS3 advises at para. 49 that more intensive development is not always appropriate.

The implications of new development on transport are included within PPG13 "Transport" (2001). Paragraph 49 relates to car parking and in para. 52 it is stated that maximum parking standards should be designed to be used as part of a package of measures to promote sustainable transport choices.

### The Mayor's London Plan: Consultation Draft Replacement Plan 2009:

The Development Plan for the area comprises the London Plan is a planning document written by the Mayor of London, England in the United Kingdom and published by the Greater London Authority. The plan was first published in final form on 10 February 2004

and has since been amended. The current version was published in February 2008. The latest proposed amendments to the London Plan were published in April 2009 with consultation starting in October 2009 and the replacement plan expected to be published in 2011.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

One overall theme that runs through the plan is 'sustainable development'. Policy GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

As part of its emerging Local Development Framework the Council has adopted (October 2006), following consultation, a Supplementary Planning Document relating to Planning Obligations. This highlights the legislation and Barnet's approach in requiring contributions from new development.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

On 21 February 2008, following public consultation, a Supplementary Planning Document "Contributions to Education" was adopted by the Council. The SPD, which provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development, superseded an SPG approved in August 2000.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document "Contributions to Library Services". The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document "Contributions to Health Facilities from Development". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new development.

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant policies: Policy CS5

### Relevant Planning History:

6 Durham Road, London, N2 9DN

<b>Application:</b>	Planning	<b>Number:</b>	F/01514/08
<b>Validated:</b>	20/05/2008	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	09/07/2008
<b>Summary:</b>	APC	<b>Case Officer:</b>	Junior C. Moka
<b>Description:</b>	Ground and first floor extension. Roof extension.		

### Consultations and Views Expressed:

Neighbours Consulted:	80	Replies:	1
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

- Loss of affordable housing unit within Barnet that is within some people's budget.

**The application was requested to be brought to the committee if officer's were minded to approve this application at the request of Cllr Colin Rogers due to concerns that the proposals represent an overdevelopment, and will harm the amenity of neighbours.**

## Internal /Other Consultations:

Traffic & Development - No objection to the application on highways grounds

Date of Site Notice: 19 May 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a traditional mid terrace property with a two storey rear projection as a result of its 'L' shaped footprint. The property is sub divided into 6 flats. On the ground floor there is a bedsit and shared bathroom, and a one bedroom flat with cooking facility, and again with a shared bathroom. On the first floor there are 3 bedsits with cooking facilities and shared bathroom. On the second floor there is a self contained studio flat.

### Proposal:

Removal of ground floor bedsit to enlarge the existing one bedroom flat at ground floor. The proposal will result in a ground floor unit that will be self contained and approximately 55m<sup>2</sup>.

### Planning Considerations:

The main issues in this current case are considered to be:

- The living conditions of future residents;
- Whether harm would be caused to the character of the area and street scene;
  1. Parking, Access and Vehicle Movements;
  2. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
  3. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
  4. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

### The living conditions of future residents

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policy H9 – Houses in Multiple Occupation states that the council will encourage proposals for, and seek to retain, Houses in Multiple Occupation, provided that they:

5. Help to meet an identified need;
6. Do not have a demonstrably harmful impact on the character and amenities of the surrounding area;
  - Are easily accessible by public transport, walking and cycling; and
  - Meet the standards set out in the Housing Acts.

The existing arrangement means that due to the size of flats/units 1 to 5 (ground & first floors), 10 occupiers could possibly share the single bathroom at first floor which wouldn't

comply with the Housing Act Standards. The Housing Act Standards states that no more than 5 people should share a bathroom.

The proposed self contained ground floor unit would provide adequate internal space and therefore comply with policies H16 and H26 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007).

It is considered that the internal alterations that would result in an improvement of the living conditions for the remaining three H.M.O units (possible 6 occupiers) sharing the existing first floor bathroom. However, it is acknowledged that the remaining three H.M.O units still falls short of the Housing Act Standards but the property layout doesn't allow for the addition of a secondary shared bathroom.

### Character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Government advice in PPS1 says good design ensures attractive usable, durable and adaptable places. Good design is indivisible from good planning. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities for improving the character and quality of an area should not be accepted.

The proposed redevelopment of the site to remove the ground floor bedsit and enlarge the existing one bedroom flat at ground floor is considered to comply with the requirements of Policy H2 of the Adopted UDP. It is considered that the one bedroom flat would not detrimentally impact on the character of the area or the amenity of neighbouring occupiers.

### Parking, Access and Vehicle Movements:

The change will result in reduction in total number of units from 6 units to 5 units and no new parking is proposed.

Considering that:

- The site is located within a Controlled Parking Zone;
- The site is located within a Town Centre Location and close to local amenities with good public transport accessibility, within walking distance of train station.

The proposed alteration is a reduction in use and therefore is unlikely to have any additional detrimental impact on public highway.

### Education needs generated by the development:

The scheme would provide residential units that are considered would generate an increased demand for educational facilities in the area. The method of calculating the likely demand resulting from new development is provided in the Council's Supplementary Planning Document "Contributions to Education" adopted in February 2008.



Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind. It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS8 and the SPD the proposed scheme of a new 1 bedroom residential unit would require a contribution of £741 and a monitoring fee of 5%.

#### Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer's contributions are therefore necessary to ensure service provision mitigates the impact of their development activity. The Council's adopted Supplementary Planning Document "Contributions to Library Services" sets out the Council's expectations of how developers will be able to contribute to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs.

Circular 5/2005 "Planning Obligations" supports the use of developer's contributions to mitigate the impacts of new development, where it would give rise to a need for additional or expanded community infrastructure. It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

However, although it seems that a blanket requirement on all new residential development is usually imposed, in this case, because of the nature of the proposal, the Supplementary Planning Document "Contributions to Library Services" doesn't require a library contribution. It is therefore conclude that the requirement for library contributions in this case would not accord with the advice given in Circular 5/2005: Planning Obligations as there is no identified need related to the development.

#### Contributions to Health facilities:

The scheme would provide residential units that it is considered would generate an increased demand for health care facilities in the area. The Council's SPD "Contributions to Health Facilities from Development" adopted in July 2009 sets out capital contributions per residential unit.

Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of community infrastructure provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

No information has been provided to demonstrate how the health care needs of the future occupiers of the development would be met by the submitted scheme, or how the proposal fits within NHS Barnet's long term plans to deliver primary care services on a "hub and spoke model" (para. 5.16 of the SPD).

It is considered that a financial contribution towards health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

However, although it seems that a blanket requirement on all new residential development is usually imposed, in this case, because of the nature of the proposal, the Supplementary Planning Document "Contributions to Health Facilities from Development" doesn't require a health contribution. It is therefore concluded that the requirement for health contributions in this case would not accord with the advice given in Circular 5/2005: Planning Obligations as there is no identified need related to the development.

The education facilities contribution will be secured by condition.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The points of objections raised are considered to have been acknowledged in the committee report and are not considered sufficient to constitute a reason for refusal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

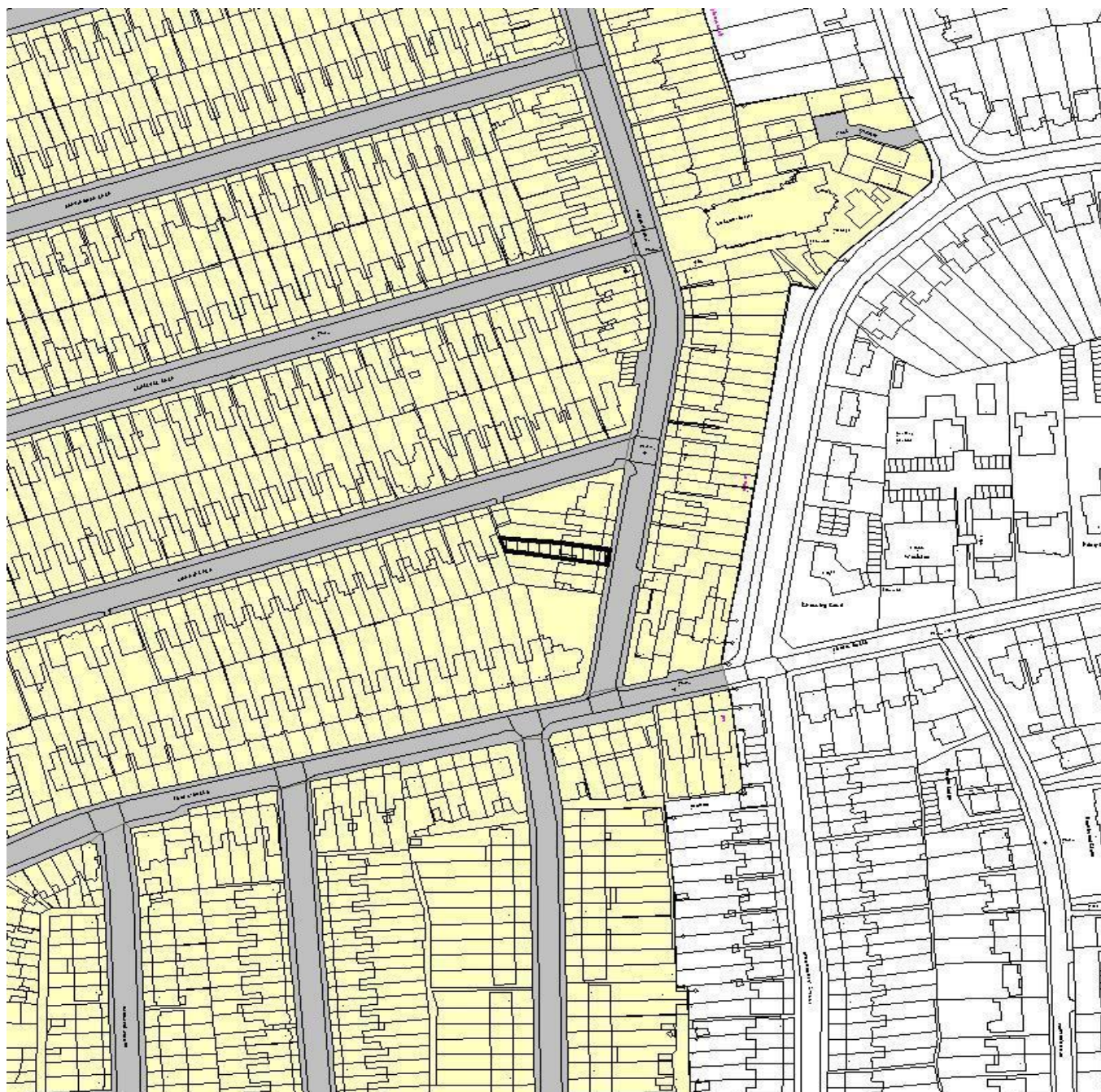
### **5. CONCLUSION**

The proposal complies with the requirements of PPS1 which states in part that, 'design which is inappropriate in its context, or which fails to take the opportunities available for improving character and quality of an area and the way it functions, should not be accepted'.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN: 6 Durham Road, London, N2 9DN**

**REFERENCE: F/01899/11**



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**LOCATION:** Ground Floor Flat, 77 Leicester Road, London, N2 9DY

**REFERENCE:** F/02055/11

**Received:** 16 May 2011

**Accepted:** 16 May 2011

**WARD(S):** East Finchley

**Expiry:** 11 July 2011

**Final Revisions:**

**APPLICANT:** Capital Homes (London) Ltd

**PROPOSAL:** Single storey rear and side extension.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Plan No's: B2625-01; B2625-02.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

4. 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

5. The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

## INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D4, D5, H18, H27 and Barnet Design Guidance Note No. 5 – Extensions to Houses.

Local Development Framework: Core Strategy (Publication Stage, September 2010): Policy CS 5 - Protecting and enhancing Barnet's character to create high quality places.

ii) The proposal is acceptable for the following reason(s): -

The proposal would comply with the Council policies that seek to preserve the characters of areas and individual properties. Consideration has been given to the impact of the extension on neighbouring occupiers and it is considered that this extension will not harm the amenity of neighbouring occupiers. **Approval** is recommended.

### 1. MATERIAL CONSIDERATIONS

#### Relevant Unitary Development Plan Policies:

Adopted UDP (2006): GBEnv1, GBEnv2, D1, D2, D4, D5, H18 and H27.

#### Supplementary Planning Guidance:

Barnet Design Guidance Note 5 – Extensions.

#### Core Strategy (Publication Stage) 2010:

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

Policy CS 5 - Protecting and enhancing Barnet's character to create high quality places.

Relevant Planning History:

None relevant.

Consultations and Views Expressed:

Neighbours Consulted: 12  
Neighbours Wishing To  
Speak

Replies: 5

The objections raised may be summarised as follows:

- The proposal is far too large and takes up the majority of an already small garden. View of the garden is interrupted significantly should this go ahead.
  - These gardens in the terraced houses are precious and special – and contribute to the character of our neighbourhood. Extension would set a precedent for garden grabbing and loss of this amenity.
1. The design itself is not in keeping with the historic characteristics of the houses and windows and patio doors are out of keeping with those currently present.
  2. Bulk and mass of extension.
  3. Flat roof will be a very unattractive structure when viewed from above
  4. Tree and biodiversity issues – loss of wildlife, loss of plants, trees and scrubs that are near the proposed extension.
  5. Loss of light.
  6. Boundary issues.

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is an end terrace property on Leicester Road in the East Finchley ward. The property has an L-shaped footprint created by an original two storey rear wing, which is characteristic of the properties along this street. The property is sub-divided into two self contained units which has been confirmed by Council tax records.

Proposal:

The application relates to a single storey rear and side extension to Ground Floor Flat 77 Leicester Road.

The proposal ground floor rear extension will project 3 metres deep along the boundary with No. 75 Leicester Road.

Single storey side extension projects sideways from the rear wing by 1.5 metres.

Both the single storey side and rear element of the proposal has a height of 2.8 metres with a minimal sloping roof.

## Planning Considerations:

Council's policies and guidelines in respect of extensions to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Extensions will not be permitted if they do not have regard to the amenities enjoyed by neighbours. In account of this, the principle of the single storey side and rear extensions is considered acceptable.

The proposed single storey side and rear extension would comply with Council policies that seek to preserve the character of areas and individual properties, as its impact is minimal due to the fact that the proposed side extension will remain in line with the existing building line of the property.

The proposed side extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and sideward projection of the proposed extension is such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The side extension backs the gardens of the properties facing Durham Road and there is a considerable form of screening along the boundary in the form of a hedge. Thus there will be little impact to the loss of light, sense of enclosure and outlook to neighbouring properties. Hence, the proposed extension will not cause harm in terms of its impact on the amenity of neighbouring residential occupiers.

The proposed height of the rear and side extension at 2.8 metres would, in itself, ensure that there was no unduly oppressive sense of enclosure that was overbearing, or unacceptable loss of daylight or sunlight. For these reasons, the living conditions of the neighbouring properties within the immediate area would not be harmed.

The single storey rear extension does comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the extension is such that it does not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. Design Guidance Note No. 5 - Extensions to Houses states that single storey rear extensions to terrace houses projecting up to a maximum of 3 metres in depth along the boundary with a property will normally be acceptable. Thus, this extension is in accordance with Council guidance, as the extension measures 3 meters in depth along the boundary with the neighbouring property No. No. 75 Leicester Road.

In addition, similar ground floor side and rear extension have been approved within the immediate area, thus the proposal is not considered to be out of character, for example No. 67 Park Hall Road was granted planning consent (F/04152/09) for '*Part single, part two-storey rear extension and side extension to rear wing*' on 09/02/2010.

The proposed development respects the proportions of the existing house. It is not considered that the extension is overbearing or unduly obtrusive and therefore there would not be any significant impact on privacy, loss of light, loss of outlook or overbearing in relation to neighbouring properties. As such, policies in Barnet's UDP would be complied with, in particular D2 in respecting its character and appearance, D5 in '*allowing for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users*' and H27 as it has no significant effect on the amenity of neighbouring occupiers.

It is not considered that the proposed side and rear extension will be harmful to the character of the area or the amenities of the neighbouring occupiers. The application is therefore recommended for **APPROVAL**.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Comments on ground 1 and 4- It is not considered that there any appreciable loss of amenity or the creation of an unduly bulky form of development.

Comment on ground 2- The proposed ground floor extensions are not considered to significantly reduce the size of the garden as to warrant a reason for refusal that could be successfully defended at appeal.

Comment on ground 3 - The proposal is not considered to significantly alter the architectural character or appearance of the property.

Comment ground 6 - As the property does not fall within a conservation area and none of the surrounding trees have tree preservation orders the removal of any trees or hedging within the site can not be restricted under planning legislation.

Comment on ground 4, 5 and 7 - the modest size and height of the proposed extensions is such that it is not considered that there would be any loss of amenity on the neighbouring occupiers as a result of the development.

Comment on ground 8 – This is a civil issue and should be dealt outside planning legislation.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

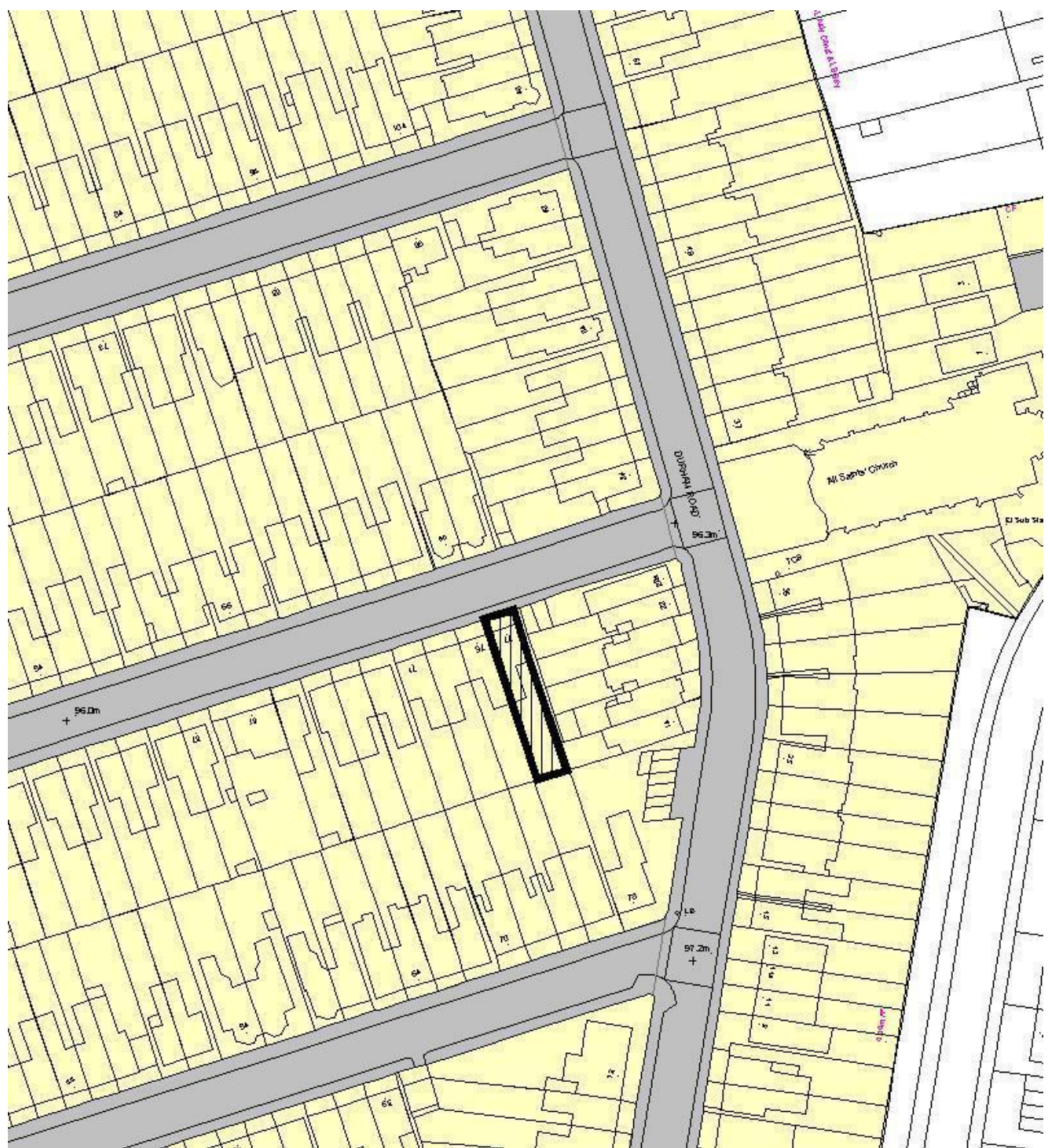
### **5. CONCLUSION**

The proposal would comply with Council policies that seek to preserve the character of areas and individual properties. The design and sitting of the extension is such that it would not have a detrimental impact on the amenity of neighbouring properties. The application is therefore recommended for **APPROVAL**.



**SITE LOCATION PLAN:** Ground Floor Flat, 77 Leicester Road, London, N2 9DY

**REFERENCE:** F/02055/11



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**LOCATION:** Lorraine Court, Park Gate, London, N2 8BY

**REFERENCE:** F/02268/11

**Received:** 27 May 2011

**Accepted:** 27 May 2011

**WARD(S):** East Finchley

**Expiry:** 22 July 2011

**Final Revisions:**

**APPLICANT:** Abbeytown Limited

**PROPOSAL:** Removal of Condition No.5 (Code Level 3) pursuant to planning permission Ref:F/03736/10 dated: 9/11/2010 ("Roof extensions including 2 rooflights to front, 2 dormer windows and a rooflight to rear and a side dormer window to facilitate creation of new apartment within roofspace of existing residential building").

**RECOMMENDATION:** Approve

**INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):GBEnv1, GBEnv2, D1, D2, D5.

SPD Sustainable Design and Construction (June 2007)

Core Strategy (Publication Stage) 2010:

CS5

ii) The proposal is acceptable for the following reason(s): -

The removal of the condition would not contradict council policies. It is not considered that the approval of this application would significantly harm the amenity of neighbouring occupiers or would have an impact on the character of the area.

2 The plans accompanying this application are:- 671/11/B; 671/10

3. The plan numbers supplied with this application and written in the informative, relate to the previously approved application (F03736/10) and do not constitute the approval of a separate application.

**1. MATERIAL CONSIDERATIONS**

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D5.

SPD Sustainable Design and Construction (June 2007)

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CS5

### Relevant Planning History:

#### **Site history for current landparcel :**

155235 - Lorraine Court, Park Gate, London, N2 8BY

Case Reference: **F/02268/11**

<b>Application:</b>	Planning	<b>Number:</b>	F/02268/11
<b>Validated:</b>	27/05/2011	<b>Type:</b>	S73
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Robert Marchant
<b>Description:</b>	Removal of Condition No.5 (Code Level 3) pursuant to planning permission Ref:F/03736/10 dated: 9/11/2010 ("Roof extensions including 2 rooflights to front, 2 dormer windows and a rooflight to rear and a side dormer window to facilitate creation of new apartment within roofspace of existing residential building").		

<b>Application:</b>	Planning	<b>Number:</b>	F/02817/10
<b>Validated:</b>	22/07/2010	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	08/09/2010
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Robert Marchant
<b>Description:</b>	Roof extension including rear dormers and recessed side dormer to facilitate creation of new apartment within roofspace of existing residential building.		

<b>Application:</b>	Planning	<b>Number:</b>	F/03736/10
<b>Validated:</b>	15/09/2010	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	10/11/2010
<b>Summary:</b>	APC	<b>Case Officer:</b>	Robert Marchant
<b>Description:</b>	Roof extensions including 2 rooflights to front, 2 dormer windows and a rooflight to rear and a side dormer window to facilitate creation of new apartment within roofspace of existing residential building.		

## Consultations and Views Expressed:

Neighbours Consulted: 46  
Neighbours Wishing To  
Speak

Replies: 0

There were no objections at the time of writing this report.

**This application has been called into committee at the request of Cllr Rogers for the following reason:**

***'the removal of the already agreed conditions will permit overdevelopment and an overbearing building'***

Date of Site Notice: 09 June 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a two storey building consisting of four self contained residential units. The site is located on the corner of Park Lane and Park Gate in East Finchley. The property faces a number of rear gardens on Leslie Road and has an area of garages to the West of the site.

### Proposal:

The application site received planning permission in for *'a roof extension to the block of flats, including rear dormer windows to facilitate the creation of a new apartment within the roofspace of existing building'*

This proposal relates to the removal of condition 5 (Code for Sustainable Homes) that was attached to the approval of this previous application.

### Planning Considerations:

As part of the approved planning application at the site (F03736/10) a condition was attached to the decision (number 5) stating that;

*'The dwelling shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.'*

The Code for Sustainable Homes is a national environmental standard for the design and construction of **new** homes. The code is part of central governments drive towards zero carbon development. The Code is concerned with the way in which a property is built, and assesses issues such as heat loss, water retention and the sustainable use of materials.

The councils Sustainable Design and Construction SPD (6.14) states that The Council has determined that a minimum of Code Level 3 will be required for all **new** development in the borough.

The development that this particular application relates to is a conversion of roof space and occurs within an existing building. It cannot be argued that this is a 'new' development and therefore the principles within the Councils SPD do not apply.

The requirements of The Code need to be integrated into the initial design of developments and it is therefore considered unreasonable to require this for existing buildings.

The removal of Code Level 3 would not alter the design, external appearance or footprint of the consented scheme. It is solely based on the methods used during the building of properties. It is therefore not considered that the removal of this condition would have any impact on neighbouring occupiers, or on the character of the area.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

There were no objections in relation to this scheme at the time of writing this report.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Councils Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The removal of the condition would not contradict council policies. It is not considered that the approval of this application would significantly harm the amenity of neighbouring occupiers or would have an impact on the character of the area. The application is therefore recommended for **APPROVAL**

**SITE LOCATION PLAN:** Lorraine Court, Park Gate, London, N2 8BY

**REFERENCE:** F/02268/11



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**LOCATION:** 9 Fortis Green, London, N2 9JR

**REFERENCE:** F/02275/11

**Received:** 31 May 2011

**Accepted:** 31 May 2011

**WARD(S):** East Finchley

**Expiry:** 26 July 2011

**Final Revisions:**

**APPLICANT:** Jon Christopher Chartered Surveyors

**PROPOSAL:** Alterations to roof including rear dormer window to existing first floor flat to create a third bedroom.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, Drawings 1291-E03-00/P2, 1291-E02-RF/P2, 1291-E01-00/P2, 1291-E02-00/P2, 1291-P03-00/P2, 1291-P02-00/P2.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

**INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows:

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D1, D2, D3, D5, H27  
Core Strategy (Publication Stage) 2010: CS5

ii) The proposal is acceptable for the following reason(s): Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Guidance/ Statements:

It is recognised that Local Planning Authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Furthermore, it is acknowledged that the planning system does not exist to protect the private interests of one person against another and that the basic question is whether the proposal would unacceptably affect amenities.

Planning Policy Statement PPS 1 "Delivering Sustainable Development", states at paragraph 3 that "At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone now and for future generations". High quality inclusive design is identified as one of the key principles that should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. Paragraph 13(iv) indicates that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted" and at para. 18 that "Planning should seek to maintain and improve the local environment.... .... through positive policies on issues such as design...." Further comment regarding "Design" is made at para's 33-39.

### The Mayor's London Plan: Consultation draft replacement plan 2009

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

Relevant policies to this case: GBEnv1, D1, D2, D3, D5, H27.

#### Design Guidance Note No 5 – Extensions to Houses

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.



Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant policies: Policy CS5

### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	C/14889/B/03
<b>Validated:</b>	25/09/2003	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	27/11/2003
<b>Summary:</b>	REF	<b>Case Officer:</b>	
<b>Description:</b>	Change of use from Class A1 (retail) to Class A3 (food & drink).		
<b>Application:</b>	Planning	<b>Number:</b>	C/14889/C/04
<b>Validated:</b>	24/11/2004	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	24/02/2005
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Fabien Gaudin
<b>Description:</b>	Change of use from Class A1 (retail) to Class A3 (food and drink).		
<b>Application:</b>	Planning	<b>Number:</b>	C/14889/D/05
<b>Validated:</b>	22/03/2005	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	14/06/2005
<b>Summary:</b>	APC	<b>Case Officer:</b>	Fabien Gaudin
<b>Description:</b>	Change of use of shop (Use Class A1) to mixed use shop/restaurant).		

**Application:** Planning  
**Validated:** 06/07/2007  
**Status:** DEC  
**Summary:** APC  
**Description:** Installation of shopfront with electric shutters.

**Number:** C/14889/E/07  
**Type:** APF  
**Date:** 13/08/2007  
**Case Officer:** Fabien Gaudin

**Application:** Planning  
**Validated:** 24/05/2002  
**Status:** DEC  
**Summary:** APC  
**Description:** External alterations to rear elevation including external staircase and balcony to/at first floor level.

**Number:** C/14889/02  
**Type:** APF  
**Date:** 17/07/2002  
**Case Officer:**

#### Consultations and Views Expressed:

Neighbours Consulted: 8                      Replies: 0  
Neighbours Wishing To Speak 0

No objections received at the time of writing this report.

**The application is referred to the committee at the request of Councillor Rogers (East Finchley) for the following reason: "This application will make the existing structure overbearing".**

#### Internal /Other Consultations:

7. Traffic & Development - no response

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The application site is a first floor flat located above commercial premises on Fortis Green in East Finchley town centre. The site is part of a parade with similar arrangements of flats above shops.

#### Proposal:

The proposed rear dormer window has an external height of 1.5 metres with a flat roof, a depth of 3.1 metres and a width of 2.6 metres. It is similar to the dormer built at 7 Fortis Green. The construction of the dormer would facilitate the creation of an additional bedroom to the existing flat.

#### Planning Considerations:

The main issues in this current case are considered to be:

8. The living conditions of neighbouring residents;
  - Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the building.

## The living conditions of neighbouring residents

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Unitary Development Plan policies seek to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

It is considered that the proposed dormer would comply with Council Policies that seek to preserve the amenities of neighbouring occupiers. The design, size and projection of the proposed dormer is such that it would not have an adverse impact on the residential amenities of the neighbouring occupiers. The proposed dormer in terms of its depth and location would not result in an unacceptable loss of light currently experienced on site. It is also considered there will be no potential concerns in regards to the loss of privacy from the rear dormer window to neighbouring properties and thus it is accepted that policy D5 has been complied with.

## Character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. In Section 4.1 of the Council's Design Guidance it states that rear dormer windows should leave some roof slope above and below the dormer. Generally dormers should be subordinate features in the roof and should not occupy more than half the width or depth of the roof slope.

The Government advice in PPS1 says good design ensures attractive, usable, durable and adaptable places. Good design is indivisible from good planning. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities for improving the character and quality of an area should not be accepted.

The proposed rear dormer window is considered to be designed in accordance with Council Guidance (Note No.5 – Extensions to Houses). It is not considered that this extension would cause any significant detriment to the amenities of neighbouring occupiers as stated in Design Guidance (Note No. 5 – Extensions to Houses). It would be based on an understanding of local characteristics because it would match the dormer on the neighbouring property at 7 Fortis Green.

The proposal has a whole would not cause any significant harm to the street scene. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary Development Plan (UDP). It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

None received.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposal complies with the requirements of PPS1 which states in part that, 'design which is inappropriate in its context, or which fails to take the opportunities available for improving character and quality of an area and the way it functions, should not be accepted'.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN: 9 Fortis Green, London, N2 9JR**

**REFERENCE: F/02275/11**



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**LOCATION:** 88 Church Lane, London, N2 0TE

**REFERENCE:** F/02399/11

**Received:** 07 June 2011

**Accepted:** 06 June 2011

**WARD(S):** East Finchley

**Expiry:** 01 August 2011

**Final Revisions:**

**APPLICANT:** Mr K Tomaszewski

**PROPOSAL:** Conversion of first floor into 1no residential unit with associated extension to roof including rear dormer window to facilitate a loft conversion. Change of use of ground floor from A2 (Professional Services) to B1 (Light Industrial). Associated single storey side and rear extension. Relocation of existing access to rear. New parapet wall to elevation adjacent to 90 Church Lane.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design & Access Statement, amended 30/06/11; Plan No's: 6880-01; 6880-02 G; 6880-03 G; Email from agent (Mr S Simmons) confirming that air conditioning units by the residential on first floor level on the front elevation will not be remaining, dated 30/06/11.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

4. No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

- 5 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

6. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local Planning Authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the flank elevations of the extension hereby approved facing the neighbouring properties, unless agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of the occupiers of the adjoining properties.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D & E of Part 1 to Schedule 2 of that Order shall be carried out within the area of the dwellinghouse hereby approved without the prior written permission of the Local Planning Authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

9. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the floor plan layout as shown on the hereby approved plans must not be changed without the prior written permission of the Local Planning Authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

11. The level of noise emitted from any machinery plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

12. The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

13. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet UDP (2006): GBEnv1, GBEnv2, D1, D2, D4, D5, D6, H16, H17, H18, H23, H26, CS2, CS8, CS13, IMP1, IMP2.



Design Guidance Note 7 - Residential Conversions and Design Guidance Note No. 5 – Extensions to Houses.

Local Development Framework: Policy CS 5 - Protecting and enhancing Barnet's character to create high quality places.

ii) The proposal is acceptable for the following reason(s): -

The conversion of the property into one self contained flat and proposed extensions are considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of East Finchley and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers.

2. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

[street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

3. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Guidance/ Statements:

Planning Policy Statement 1: Delivering Sustainable Development.

Planning Policy Statement PPS3 "*Housing*" (2006), along with other Government housing policy and planning policy statements, provides the context for plan preparation in relation to housing development. Paragraphs 12-19 relate to the achievement of high quality housing. In paragraph 16 the matters to consider when addressing design quality include the extent to which the proposed development is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. PPS3 advises at para. 49 that more intensive development is not always appropriate.

### The Mayor's London Plan (consolidated with alterations since 2004):

The Development Plan for the area comprises the London Plan (consolidated with alterations since 2004), the Mayor's Spatial Development Strategy for Greater London, published in February 2008, and the Barnet Unitary Development Plan (UDP).

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. Policy 4B.1 requires amongst other things that developments maximise a sites potential, promote high quality inclusive design and create or enhance the public realm, respect local context, character and communities, and are attractive to look at.

### Relevant Unitary Development Plan Policies:

Adopted Barnet UDP (2006): GBE<sub>Env</sub>1, GBE<sub>Env</sub>2, D1, D2, D4, D5, D6, H16, H17, H18, H23, H26, CS2, CS8, CS13, IMP1, IMP2.

### Supplementary Planning Document:

On 21 February 2008, following public consultation, a Supplementary Planning Document "*Contributions to Education*" was adopted by the Council. The SPD, which provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development, superseded an SPG approved in August 2000.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document "*Contributions to Library Services*". The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document "*Contributions to Health Facilities from Development*". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new development.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “*Sustainable Design and Construction*”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Publication Stage) 2010:

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

Policy CS 5 - Protecting and enhancing Barnet’s character to create high quality places.

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/01033/11
<b>Validated:</b>	04/03/2011	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	27/04/2011
<b>Summary:</b>	REF	<b>Case Officer:</b>	Neetal Rajput
<b>Description:</b>	Change of Use from A2 Professional Services to B1 Light Industrial / C3 Residential. Single Storey rear extension. Full width dormer extension. Conversion of first floor into 2no residential units		

<b>Application:</b>	Planning	<b>Number:</b>	F/02399/11
<b>Validated:</b>	06/06/2011	<b>Type:</b>	APF
<b>Status:</b>	PDE	<b>Date:</b>	
<b>Summary:</b>	APC	<b>Case Officer:</b>	Neetal Rajput
<b>Description:</b>	Conversion of first floor into 1no residential units with associated extension to roof including rear dormer window to facilitate a loft conversion. Change of use of ground floor from A2 (Professional Services) to B1 (Light Industrial). Associated single storey side and rear extension. Relocation of existing access to rear. New parapet wall to elevation adjacent to 90 Church Lane. (Amended description)		

<b>Application:</b>	Planning	<b>Number:</b>	F/03929/10
<b>Validated:</b>		<b>Type:</b>	S63
<b>Status:</b>	UNA	<b>Date:</b>	
<b>Summary:</b>	INV	<b>Case Officer:</b>	Neetal Rajput
<b>Description:</b>	Retention of change of use from A1 retail unit to A3 Cafe / Restaurant.		

## Consultations and Views Expressed:

Neighbours Consulted: 45  
Neighbours Wishing To  
Speak

Replies: 0

**The application has been called in by the request of Councillor Colin Rogers for the following reason as stated in his email dated 29/06/11:**

**“the change of use and the increase in residential usage will be deleterious to the locality.”**

## Internal /Other Consultations:

- Traffic & Development - The application is recommended for *approval* on highway grounds.
- Environmental Health - Attached relevant conditions.

Date of Site Notice: 16 June 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is an end terrace located on Church Lane with the junction with Manor Park Road in the East Finchley ward. The property is currently in use as an office (A2) on ground floor and first floor.

Church Lane is a residential street characterised by terrace properties. A number of properties have been previously extended (both planning permission and permitted development). The style and design of properties in Church Lane are uniform with consistent elements.

### Proposal:

The application consists of the following elements:

- Change of use of ground floor from A2 Architects and Surveyors Office (Professional Services) to B1 (Light Industrial). The B1 Light Industrial is to be used for the production of dental veneers, crowns and cosmetic appliances. No specific ventilation and extraction equipment is required for the production of these items.
- Conversion of first floor into 1no residential unit. Currently, the first floor is occupied by the A2 Architects and Surveyors Office. The first floor will be converted to allow for access into the loft conversion and will accommodate a study.
  - Roof extension including rear dormer window to facilitate a loft conversion. This will measure 3.3 metres in depth, 2 metres in height and 2.9 metres in width. The roof extension will accommodate a study.
  - Single storey rear extension. Along the shared boundary with No. 90 Church Lane, the

proposed extension will measure 3 metres in depth, 3.1 in height with a pitched roof and 3 metres in depth with the boundary along Manor Park Road. The height of the proposed rear extension along the boundary with Manor Park Road will measure 3 metres in height with a flat roof.

- Relocation of existing access to rear and bin storage; and
- New parapet wall to elevation adjacent to 90 Church Lane, this will measure 2.2 metres in height and 3.6 metres in length.

#### Planning Considerations:

There were discussions with the agent prior to this application being submitted in regard to the previous refused planning applications F/04716/10 and F/01033/11 which were for similar schemes and it is considered that the Local Planning Authority's concerns have been addressed with the submission of this current application.

#### **Change of use of ground floor from A2 (Professional Services) to B1 (Light Industrial):**

The change of use from ground floor A2 (Professional Services) to B1 (Light Industrial) is considered acceptable. The application site does not fall within a primary or secondary retail frontage. The parade of operating ground floor commercial units on Church Lane have residential units at first floor. Thus, the conversion of the upper floor into a self contained unit is considered to be in character with the surrounding properties. The Council takes into account the loss of employment of the A2 use at first floor level, however these policies are aimed more towards B1 / B2 uses, thus the Council would not be able to justify a reason for refusal for this application.

The change of use from ground floor A2 (Professional Services) to B1 (Light Industrial) is not considered to be harmful. The agent has confirmed that the Light Industrial Unit is to be used for the production of dental veneers, crowns and cosmetic appliances. No specific ventilation and extraction equipment is required for the production of these items, thus high levels of noise should not be generated from the proposed use. The light industry will not use or produce any hazardous materials, and therefore does not require the disposal of hazardous waste. In addition, the facility will receive no clients or patients and the products will be sent by post or by courier. Thus, the change of use would have a relatively minimal impact on the local area and adjoining properties.

#### **Conversion of first floor into 1no residential unit:**

It is not considered that the conversion of the first floor into one self contained flat would be out of character with the area and the principle of redevelopment is therefore acceptable. The application which provides additional residential accommodation accords with Council Policy. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites.

The nature of the development is not in itself considered to harm the residential character of the area. It is noted that the area is characterised by a mix of commercial units on ground floor and residential above.

PPS3 encourages developments that make the most efficient use of land, whilst policy 4B.3

of the London Plan encourages proposals that encourage the highest possible intensity of land that is appropriate for the area, conforms to design principals that are outlined in policy 4B.1 and has public transport capacity.

The self contained flat which will provide two bedrooms exceed Barnet's minimum size of 30m<sup>2</sup>. In addition to this, to ensure the sustainability of each unit an insulation of acoustic separation for the proposed new unit will be required for the floors and party walls. Barnet's SPD requires the addition of sound insulation systems in relation to impact and airborne noise to achieve a sound attenuation of 3dB above Building Regulation requirements for airborne sound and 3dB above Building Regulation requirements for impact sound.

To ensure the sustainability of each unit an insulation of acoustic separation for the proposed new unit will be required for the floors and party walls. The applicant has not submitted this information and it will therefore be enforced through an appropriate condition attached to the decision.

Design Guidance Note 7, relates to the adequate provision of internal space. It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. In respect to the amenity space, there is a side access to the rear garden which is for private amenity space for the flat which provides sufficient amenity space to comply with policy H18.

Refuse storage and recycling boxes have been shown on the plans and are considered to be acceptable.

In accordance with the Councils Supplementary Planning Documents in relation to Health, Education and Libraries, the proposed development would require a financial contribution (plus associated monitoring costs) towards health, educational places/library provision within the borough via the discharge of the condition attached to the decision.

#### **Parking, Access and Vehicle Movements:**

The proposal is for the conversion of the first floor into residential unit to provide 1 x 2bedroom residential unit and proposed change of use of ground floor from A2 to B1 Light Industrial use. No vehicular parking spaces are provided on site.

For the residential use the parking standards set out in the UDP 2006 requires parking provision of 1.0 to 0 parking spaces per unit for 2 bedroom units. As no parking is provided for the proposed development it does not meet the parking standards. London Plan parking Standards also recommend that at least one parking should be provided for disabled use.

However, a similar application at No.42 Church Lane, N2 for an erection of a 3 bedroom residential accommodation was refused on highway grounds in 2009 and the applicant appealed against the refusal. The planning inspector at the appeal did not consider that the application merited refusal on highway grounds although the appeal was dismissed on planning grounds.

In view of the Planning Inspector's appeal decision and considering that in comparison the above application is for a smaller development of 1x2 bedroom unit, there are no objections on highway grounds.

### **Roof extension including rear dormer window to facilitate a loft conversion:**

The proposed rear dormer to facilitate a loft conversion would be a subordinate addition to the property. Although the rear dormer is more than half the width of the roof slope, it is considered acceptable given that the rear dormer will not be visible all at one time when viewed from the rear of the property due to the design of the roof.

The rear dormer would be in character with the immediate area. The property backing the application site No. 1 Manor Park Road has a similar rear dormer which was approved under Permitted Development (C/05477/B/02) in 2004.

### **Single storey rear extension:**

The proposed rear extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the proposed extensions are such that they would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers.

Single storey rear extensions to the original property projecting up to a maximum of 3 metres in depth along the boundary with a property will normally be acceptable on terrace properties. As the extension measures 3 metres in depth along the boundary with No. 90 Church Lane, it is not considered to cause harm to the neighbouring occupiers or future occupiers.

The proposed height of 3.1 metres along the boundary with No. 90 Church Lane and 3 metres along Manor Park Road would, in itself, ensure that there was no unduly oppressive sense of enclosure that was overbearing, or unacceptable loss of daylight or sunlight. For these reasons, the living conditions of the neighbouring properties would not be harmed.

The proposed development respects the proportions of the existing house. It is not considered that the extension is overbearing or unduly obtrusive and therefore there would not be any significant impact on privacy, loss of light, loss of outlook or overbearing in relation to neighbouring properties. As such, policies in Barnet's UDP would be complied with, in particular D2 in respecting its character and appearance, D5 in 'allowing for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users' and H27 as it has no significant effect on the amenity of neighbouring occupiers.

### **Relocation of existing access to rear:**

It is considered to be acceptable and will not cause harm to the character of the area or have an impact on the amenities of neighbouring occupiers.

### **New parapet wall:**

It is considered that the height of 2.2 metres for a parapet wall is considered acceptable and will not have an overbearing and detrimental impact on the neighbouring property when viewed from No. 90 Church Lane.

## **3. COMMENTS ON GROUNDS OF OBJECTIONS**

None Received.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

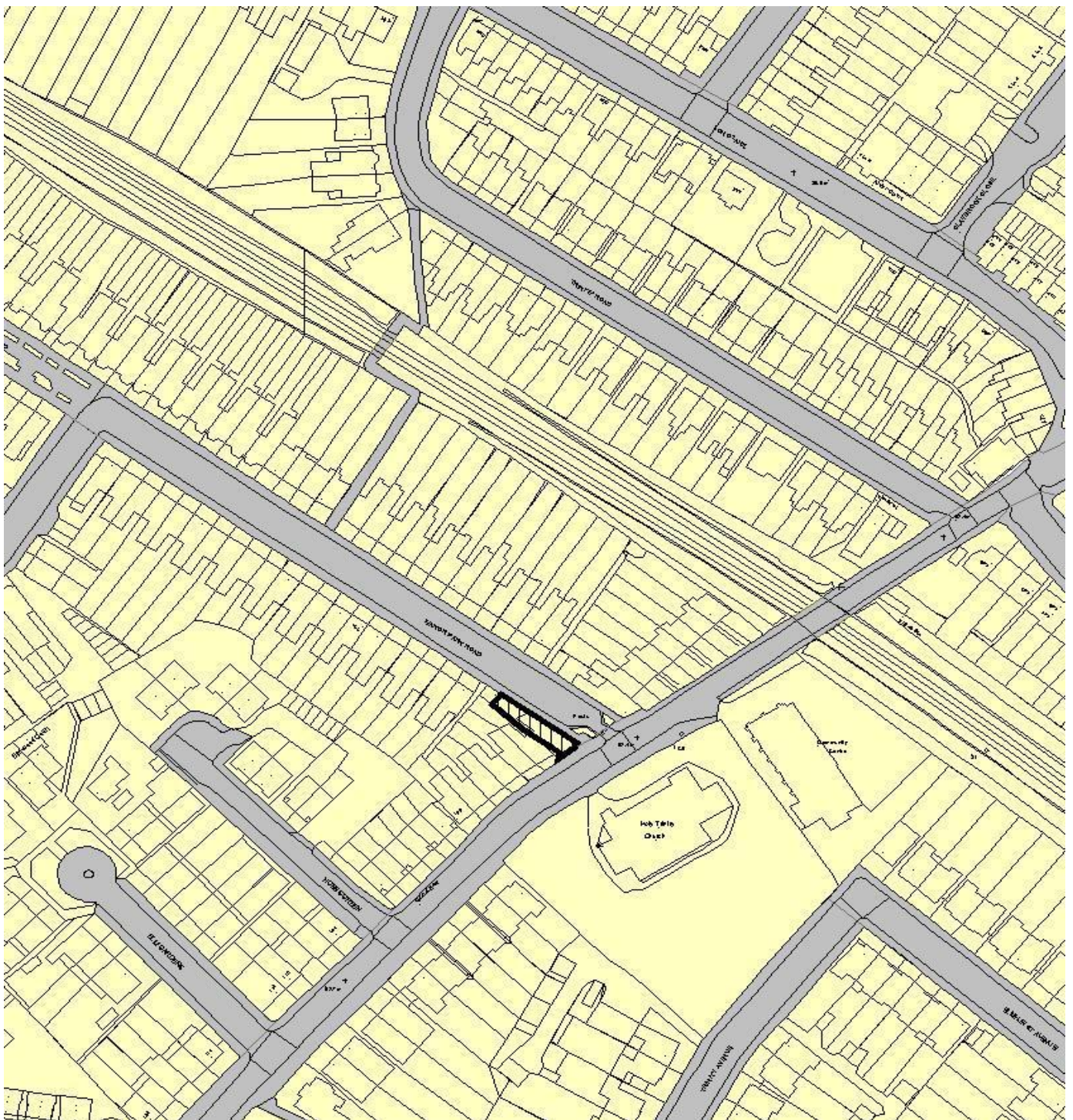
#### **5. CONCLUSION**

As conditioned, the proposal would provide further accommodation without detriment to the residential amenity of neighbouring and future occupiers. The proposal is acceptable on highways grounds. It is recommended the application be **approved** subject to the discharging of attached conditions.



**SITE LOCATION PLAN:** 88 Church Lane, London, N2 0TE

**REFERENCE:** F/02399/11



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**LOCATION:** 44C High Road, London, N2 9PJ

**REFERENCE:** F/02378/11

**Received:** 07 June 2011

**Accepted:** 07 June 2011

**WARD(S):** East Finchley

**Expiry:** 02 August 2011

**Final Revisions:**

**APPLICANT:** Mr M Doukaki

**PROPOSAL:** Internal alterations to convert existing flat from 1no bedroom into 2no bedroom self-contained unit including installation of 2no front rooflights and 1no rear rooflight.

**RECOMMENDATION: Approve Subject to Conditions**

1. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 218.P.044.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (UDP) (2006).  
In particular the following policies are relevant:  
Adopted Barnet Unitary Development Plan (2006):GBEnv1,GBEnv2,D1, D2, D3, H27.  
  
Core Strategy (Publication Stage) 2010:  
Relevant policies: CS5
  - ii) The proposal is acceptable for the following reason(s): -  
The proposal would be within the character of the original property, the surrounding area and would not be detrimental to the residential amenity of neighbouring occupiers.

**1. MATERIAL CONSIDERATIONS**

Relevant Unitary Development Plan Policies:

GBEnv1,GBEnv2,D1, D2, D4 ,H27.

Supplementary Planning Guidance:  
Barnet Design Guidance Note 5 - Extensions

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:  
CS5

Relevant Planning History:

**Site history for current landparcel :**

114432 - 44C High Road, London, N2 9PJ

Case Reference: **F/02378/11**

<b>Application:</b>	Planning	<b>Number:</b>	F/01019/11
<b>Validated:</b>	04/04/2011	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	26/05/2011
<b>Summary:</b>	REF	<b>Case Officer:</b>	Robert Marchant
<b>Description:</b>	Change of use of existing ground floor studio flat into additional retail floorspace including associated internal alterations and new shop front. Erection of a two storey detached self-contained residential unit including associated courtyard.		

<b>Application:</b>	Planning	<b>Number:</b>	F/01554/10
<b>Validated:</b>	19/04/2010	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	28/05/2010
<b>Summary:</b>	APC	<b>Case Officer:</b>	Robert Marchant
<b>Description:</b>	Conversion of first and second floors into 3 self-contained flats. Extension at second floor level.		

<b>Application:</b>	Planning	<b>Number:</b>	F/02470/09
<b>Validated:</b>	10/07/2009	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	20/08/2009
<b>Summary:</b>	REF	<b>Case Officer:</b>	Robert Marchant
<b>Description:</b>	Creation of 3rd floor to rear and conversion of first and second floors into 2 self-contained flats.		

<b>Application:</b>	Planning	<b>Number:</b>	F/04046/09
<b>Validated:</b>	03/11/2009	<b>Type:</b>	APF

**Status:** DEC  
**Summary:** APC  
**Description:** Conversion of first and second floors into 2 self-contained flats. Extension at second floor level. (Amended 09/11/09)

**Date:** 23/12/2009  
**Case Officer:** Robert Marchant

### Consultations and Views Expressed:

Neighbours Consulted: 10  
Neighbours Wishing To Speak: 0  
Replies: 0

The objections raised may be summarised as follows:  
There were no objections at the time of writing this report.

**This application has been called into committee at the request of Cllr Rogers for the following reason;**

***'allowing this application will result in a development that will be too big for its surroundings, to the point where it will be overbearing'***

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is located within a mixed use area in East Finchley, the premises operates as a laundrette at the ground floor level and has flats situated above.

### Proposal:

The application site has previously been extended and reconfigured to provide three self contained flats. This application relates to changes to the flat on the second floor to involve a roof light to the rear elevation and two roof lights to the front elevation.

### Planning Considerations:

This application aims to reconfigure the second floor flat by providing an additional bedroom. This results in the partial loss of the living room/kitchen area. The Living/kitchen would still occupy a floor area of approximately 18m<sup>2</sup> and is considered to comply with the space standards in Barnet's SPD 'Sustainable Design and Construction'

The new bedroom is proposed to measure 6.48m<sup>2</sup> and is also within the space standards that are required within Barnet Councils SPD 'Sustainable Design and Construction'

The internal alterations also involve the addition of a further internal staircase on the second floor in order to reach a third floor, within a small space in the roof. This area is proposed to be used as a bathroom. A rooflight is proposed to serve this bathroom. This measures 0.5m x 0.6m and is the only external change to the rear of the building that is proposed as part of this application. The rooflight is proposed to be located towards the top of the slope and would not be significantly noticeable to nearby surrounding occupiers.

Two further roof lights are proposed for the front elevation, either side of the front dormer window feature. One of these rooflights will serve the bedroom and the other rooflight would serve the Living Room/Kitchen. The rooflights also measure 0.5m x 0.6m and occupy a small area of the roof. The rooflights are flush with the plane of the roof and it is not considered that the appearance would be significantly obtrusive or out of character with the surroundings.

The rooflights would be in keeping with other forms of development on the front roof slopes of properties along the High Road and it is not considered that it would appear out of character with the area. The roof lights do not face towards any neighbouring occupiers and therefore there are not considered to be any privacy concerns in relation to this application.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

N/A

### **4. EQUALITIES AND DIVERSITY ISSUES**

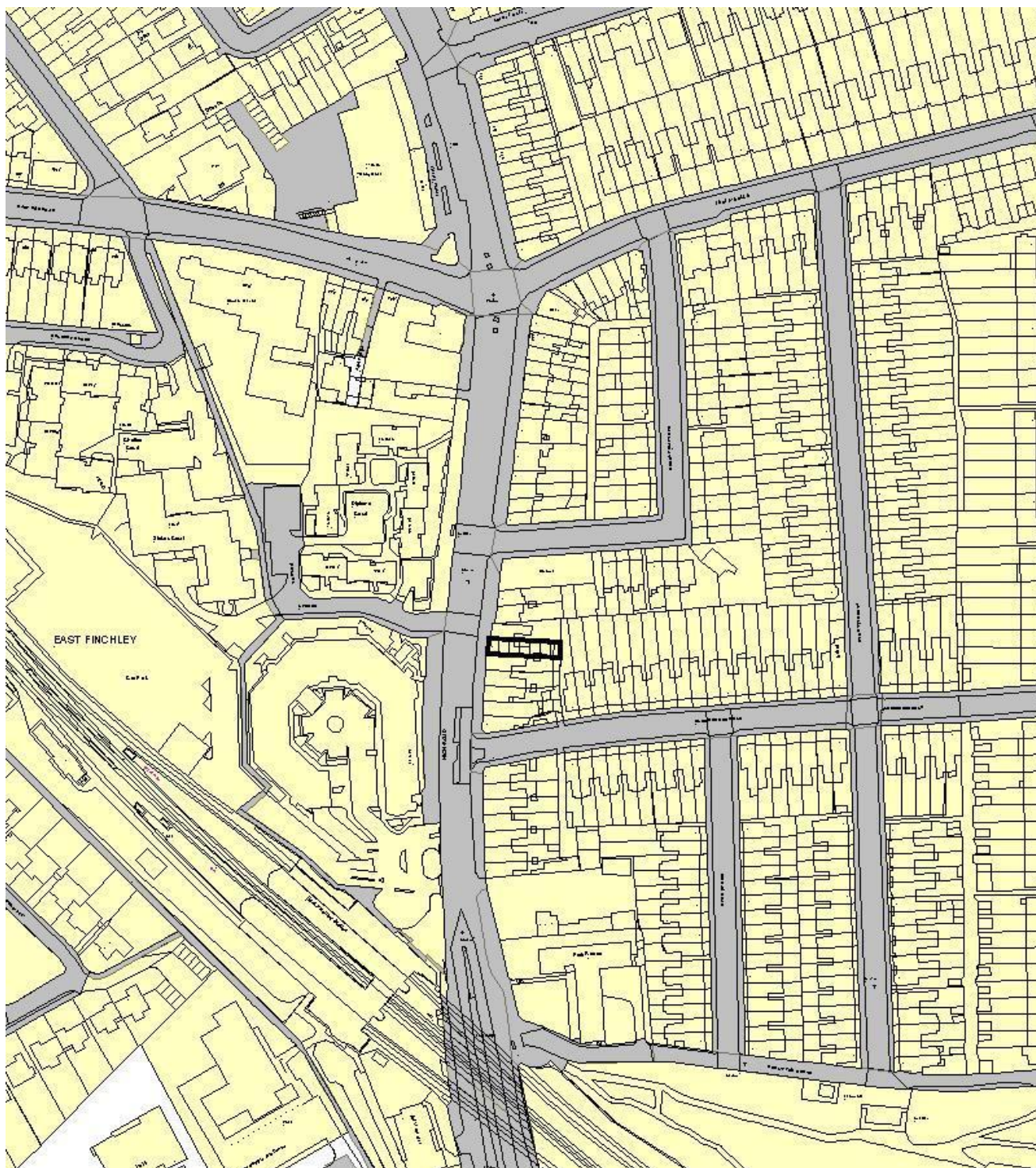
The proposals do not conflict with either Barnet Councils Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposal would be within the character of the original property, the surrounding area and would not be detrimental to the residential amenity of neighbouring occupiers. **Approval** is recommended.

**SITE LOCATION PLAN: 44C High Road, London, N2 9PJ**

**REFERENCE: F/02378/11**



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**LOCATION:** Barnet Market Site, 5 St Albans Road, Barnet, Herts, EN5 4LN  
**REFERENCE:** B/03642/10 **Received:** 08 September 2010  
**WARD(S):** High Barnet **Accepted:** 17 September 2010  
**Expiry:** 17 December 2010

**Final Revisions:**

**APPLICANT:** Mr N & Mrs M Walsh

**PROPOSAL:** Extension to the time limit for implementing planning application N12197C/05 granted 03/11/05 for 'Redevelopment of site comprising part two, part three-storey building for continued use as a market on the ground floor, with a total of 14 residential units on the upper floors with associated amenity space, and basement parking (accessed from Chipping Close) for 27 cars.

**RECOMMENDATION:** Approve following completion of S106

**RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £78,346.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,946.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £15,248.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Highways Improvement (local to the site) £10,000.00**  
A contribution towards local highway improvements within the vicinity of the development.
- 7 **Requirement to submit Travel Plan £5,000.00**  
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.

- |          |  |                   |
|----------|--|-------------------|
| <b>8</b> | <b>Open Spaces (ward level)</b><br>A contribution towards the improvement of open spaces in ..... ward                         | <b>£14,000.00</b> |
| <b>9</b> | <b>Monitoring of the Agreement</b><br>Contribution towards the Council's costs in monitoring the obligations of the agreement. | <b>£5,477.75</b>  |

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/03642/10 under delegated powers subject to the following conditions: -

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

WBM-672-1.10, WBM-672-2.00 Rev G, WBM-672-2.01 Rev F, WBM-672-2.10 Rev H, WBM-672-2.20 Rev E, Design Statement dated March 2011, Supporting Planning Statement dated March 2011, Heritage Statement for Barnet Market Redevelopment dated 9 November 2010, Sustainability Statement, Transport Assessment dated April 2005 (date received 9-Mar-2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. The ground floor area, as shown on plan WBM-672-2.00 Rev G shall be used for a stall market Class A1 and for no other use.

Reason:

To protect the Market area and ensure its continuity

4. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan WBM-672-2.00 Rev G shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

5. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and



adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

6. Before the development hereby permitted commences, details/samples of the design and materials to be used for the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

- Facing materials including brick, slate and render
- Windows, cills and arches, including sections and glazing bars at a 1:1 scale
- Dormer windows
- Rooflights
- Chimneys
- Eaves fronting St Albans Road
- Entrance doors
- Balustrade to balconies
- Piers
- Veranda at entrance to market
- Railings
- Security gates

Reason:

To ensure a satisfactory appearance to the development and to safeguard the visual amenities of the locality and this part of the Monken Hadley Conservation Area.

8. Before the building hereby permitted is occupied the proposed window(s) in the first floor bedroom windows in the elevation facing Chipping Close shall be part glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening as indicated on Plan WBM-672-2.10 Rev H, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

9. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

11. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

- 12 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

13. Before the development hereby permitted commences, arrangements shall be made and implemented for the continuance of trading of the stall market during construction work.

Reason:

To ensure uninterrupted trading for the Market Traders

- 14 No loading or unloading shall take place at the Bruce Road entrance of the Market on any Sunday, Bank or Public Holiday or after 8:00am or after 16:30pm on any other day.

Reason:

To protect the amenity of neighbouring residents.

15. The level of noise emitted from the lift plant and air conditioning, ventilation and extraction plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

16. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

17. The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

18. Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic and / or mixed use noise in the immediate surroundings.

19. Development shall not begin until a scheme for protecting the proposed development from vibration, has been submitted to and approved by the Local Planning Authority. The vibration protection scheme include such combination of land separation, vibration control techniques and other measures, as maybe be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and maintained and replaced in whole or in part so often as occasion may require. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason: -

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic vibration in the immediate surroundings.

20. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 21 Before the permitted development commences a Construction Management Plan must be submitted to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

22. Before the permitted development is occupied details of the delivery arrangements shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 23 Before the development hereby permitted is occupied details of a car park management plan must be submitted to and approved in writing by the Local Planning Authority. The car park shall operate in accordance with the details as approved.

Reason:

To prevent obstruction and overcrowding of the car park contrary to sustainability targets and the servicing requirements of the site.

- 24 Before the development is occupied a Travel Plan for the proposed market shall be submitted and to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan co-ordinator.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and Gparking of the Adopted London Borough Of Barnet Unitary Development Plan 2006.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st September 2011 the Assistant Director of Planning and Development Management REFUSE the application ref: B/03642/10 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, highway improvements, open space and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies M9, L12, L14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies

as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GMixedUse, GParking, ENV12, ENV13, GBEnv1, GBEnv2, GBEnv3, GBEnv4, D1, D2, D3, D4, D5, D6, D9, HC1, HC5, HC17, L12, M1, M2, M10, M11, M12, M13, M14, H5, H16, H17, H18, H20, CS2, CS8, GTCR1, TCR13, TCR16, TCR18, TCR22, IMP1, IMP2.

Core Strategy (Publication Stage) 2010:

CS1, CS4, CS5, CS6, CS7, CS8, CS10, CS15.

ii) The proposal is acceptable for the following reason(s): -

The proposed development is considered to have an acceptable impact on the character and appearance of the general locality and is considered to enhance this part of the Monken Hadley Conservation Area. It would result in a mixed use development which would see the retention of the market on this site with improved facilities for the traders and visiting members of the public together with the provision of housing in a sustainable town centre location. The proposed development has been sensitively designed in relation to existing buildings and the surrounding area and it is considered that the historic environment of the Chipping Barnet Town Centre is protected and enhanced. The proposal is not considered to have an adverse impact on the residential or visual amenities of the neighbouring occupiers or result in harm to the surrounding highway network. The proposal is considered to accord with the aforementioned policies.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

3. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPS4 - Planning for Sustainable Economic Growth  
PPS5 - Planning for the Historic Environment  
PPG13 - Transport  
PPS22- Renewable Energy  
PPG24 - Planning and Noise

The Community Infrastructure Levy regulations 2010.

### The Mayor's London Plan: Consultation draft replacement plan 2009:

Various including:

3A.2 - Borough housing targets  
3A.5 - Housing choice  
3D.1 - Supporting town centres  
4A.3 - Sustainable design and construction  
4B.5 - Creating an inclusive environment  
4B.8 - Respect local context and communities

### Relevant Unitary Development Plan Policies:

GSD, GMixedUse, GParking, ENV12, ENV13, GBEEnv1, GBEEnv2, GBEEnv3, GBEEnv4, D1, D2, D3, D4, D5, D6, D9, HC1, HC5, HC17, L12, M1, M2, M10, M11, M12, M13, M14, H5, H16, H17, H18, H20, CS2, CS8, GTCR1, TCR13, TCR16, TCR18, TCR22, IMP1, IMP2.

SPD - Sustainable Design and Construction  
SPD - Planning Obligations  
SPD - Contributions to Education  
SPD - Contributions to Libraries  
SPD - Contributions to Healthcare Facilities from Development  
SPD - Affordable Housing

Monken Hadley Conservation Area Character Appraisal Statement

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to

deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

- CS1 - Barnet's Place Shaping Strategy - The Three Strands Approach
- CS4 - Providing quality homes and housing choice in Barnet
- CS5 - Protecting and Enhancing Barnet's character to create high quality places
- CS6 - Promoting Barnet's Town Centres
- CS7 - Enhancing and Protecting Barnet's open Spaces
- CS8 - Promoting a strong and prosperous Barnet
- CS10 - Enabling integrated community facilities and uses
- CS15 - Delivering the Core Strategy

Relevant Planning History:

**N12197C/05** Redevelopment of site comprising part two, part three-storey building for continued use as a market on the ground floor, with a total of 14 residential units on the upper floors with associated amenity space and basement parking (accessed from Chipping Close) for 27 cars. Conditional Approval 03/11/2005

**N12197B/05** Part two, part three storey building for continued use as market on the ground floor, with 14 residential units on the upper floors with associated amenity space and basement car parking for 28 cars. Withdrawn 25/07/2005

**N12197A/01** Redevelopment of site comprising a part two, part three storey building for continued use as a Market on the ground floor with 9 residential units on the upper floors with open amenity area at 1st floor level. Approved 23/10/2002

**N12197** Alterations to entrance to Market from Chipping Close involving brick piers, gate and wall. Approved 01/11/1999.

Consultations and Views Expressed:

Neighbours Consulted: 511	Total number of replies received as a result of objections, both consultation support processes:	339	(296	were
			43	in
			of	the
				application)

Neighbours Wishing To 3  
Speak

The application has been the subject of two separate public consultations. The objections raised in response to the first round in respect of the application as originally submitted may be summarised as follows:

- Inadequate information submitted with the application, drawings unclear, no design and access statement, no heritage statement, no application for Conservation Area Consent, application does not reflect changes in policy guidance that have been introduced since

permission was granted particularly in respect of sustainability and lifetime homes. The application needs to be considered against current policies including the fact that the site is now within the Monken Hadley Conservation Area. One of the key objectives for the Chipping Barnet Town Centre Strategy Board is being asked to produce planning guidelines for the future development of the town centre is to improve connectivity between the Market, The Spires and the High Street, this application does not achieve this objective. The site should not be considered in isolation from the rest of the town centre

- The introduction of residential use above the Market is unacceptable and could lead to restrictions on the use of the market and its possible closure. The development is inappropriate, the building is too high, poor form of amenity for future residents, too much glazing at first floor level, it will detract from the heritage of the area. Policy suggests that the proposed uses should be separate. Already vacant residential units in the area, inadequate sewerage infrastructure. The original charter for the market made no provision for housing.
- Inadequate provision for cyclists, the conditions attached to the 2005 consent put too many constraints on loading/unloading that would not be conducive to the market's successful operation. Lack of provision for trader parking.
- The Draft LDF seeks to preserve and promote markets and this is the most important market in the borough. Scheme contrary to PPS4 which seeks to ensure markets remain competitive. The proposal will result in the loss of the ethos behind the Market. The Market is an historical asset which makes the High Street come alive and it should be protected and remain the main focus for any redevelopment. It must operate more than twice a week. The market offers alternatives to supermarkets.
- Concern that there is a lack of interest from the applicants to see the site continue as a market, if the market ceases then the site would have greater development potential. The applicants ignored a petition of 5000 signatures requesting that the site be resurfaced. If permission is granted the Council has no powers to ensure the market continues to operate. Any proposals/promises by the applicant may be questionable. By granting an extension to the time limit it is highly likely that the market would disappear which would be contrary to policy and detrimental to the character and appearance of the conservation area. Concerns about the state of the site, it is unsightly, poorly surfaced which is unsafe and generally unsuitable. It should be resurfaced and conditioned accordingly.

A letter received from Theresa Villiers MP is attached as an appendix (Appendix One) as are the comments of the Monken Hadley and Wood Street Conservation Area Advisory Committee (Appendix Two).

During the course of the application, further information was submitted in respect of the following:

- Heritage Statement
- Sustainability Statement
- Transport Statement/Assessment
- Information relating to Lifetime Homes
- Financial Assessment

All interested parties were consulted for an additional 28 days following receipt of this



information (bar the financial assessment). The comments received as a result of this consultation process are as follows:

- Too much time has been allowed for the additional information to be submitted. Heritage statement inadequate
- Current facilities for traders and shoppers are unacceptable. Many traders have left and not been encouraged to return
- Concern that previously existing buildings were demolished before finance was put in place to commence development and after the site achieved Conservation Area status. It is unlikely in the current economic climate that finance will be available to develop the site or for anyone to purchase the flats should they be built, meanwhile the site is stagnating. The funding arrangements should be made available. The Council should consider the Compulsory Purchase of the site. The scheme is unviable.
- The owners vision for the site is questionable, they have had ample opportunity to develop the site and have done little to promote it. They should engage more positively with Friends of Barnet Market. Concern over the future of the much valued asset to the local community. Barnet needs a decent market to revitalise the town centre. Temporary surface unacceptable.
- Design and appearance inappropriate for Chipping Close, building too high, causes overlooking and loss of privacy and light to residents in Chipping Close. Inappropriate for housing, inadequate servicing arrangements, would not make a positive contribution and no alteration to its design and appearance. Market should be open air. Noise and disturbance during construction would be unacceptable, the original grant of permission was unacceptable and this mistake should not be compounded. What will the market space be used for when the market is not operational? The proposal would damage the success of the conservation area and could become a separate entity to the detriment of the rest of the town centre.
- If an extension of time is to be granted it should be for a limited period of 12 months

A further letter from Theresa Villiers MP is attached as an appendix (Appendix Three).

#### Internal /Other Consultations:

##### **Traffic & Development -**

Comments received as part of the previous application (N112197C/05):

The application is for the re-development of the existing Barnet Market and the provision of 14 residential units with associated parking at the basement level.

The parking provision for the residential element of the development meets the Parking Standards that are set out in the UDP revised deposit draft modifications approved 28<sup>th</sup> June 2005. A total of 14 spaces are proposed for the 14 no. 2/3 bed units. The spaces must be 2.4 by 4.8 metres in size. 4 spaces are marked for disabled use, however, only one disabled space is required (5% of the total provision).

Unloading and parking facilities have been provided in the underground car parking area. There is no specific parking standards for 'Markets' however, the provision of 6

parking spaces is considered acceptable in this location. The size of the spaces intended for use by the Market Traders have been increased to accommodate vehicles up to the size of transit vans (3.5 tonne). Turning movements are shown on plan no. S80481-D-001 Rev C. The details of the vertical clearance and the ramp have been agreed. There is a dedicated lift from the underground car parking area to the ground floor market level. Parking permits will be provided to traders to allow them to use the car parking area. The applicant has confirmed that Traders will not be permitted to lease a Stall unless their deliveries can be carried out in the underground car parking area by the require size of vehicle.

There are four existing deliveries that will not be able to access the underground car parking area. It is proposed that these vehicles will unload in Bruce Close. The deliveries will be staggered and are programmed to be completed by 5.30am in the morning. These deliveries will only occur on Wednesdays and Saturdays when the market is operational. Turning movements have been provided showing that these larger vehicle can access and turn around within the public highway on Bruce Close. There are currently double yellow lines running for the whole length of Bruce Close and a two space pay and display bay. There are no loading restrictions on Bruce Close.

Please include a Condition within the planning approval that unloading for the Market can only occur on Bruce Close between the hours of 4am and 6am (exact time to be confirmed by applicant) on Wednesday and Saturdays. All other unloading must be carried out in the underground car parking area.

The proposed Servicing arrangements are a significant improvement on the existing situation with the existing market. Currently vehicles unload on St. Albans Road ( the main route into Barnet from A1/M25 via South Mimms) and Chipping Close (which is a very narrow road with residential controlled parking bays on one side). It is recognised that some servicing may take place on the public highway surrounding the site and that on occasions vehicles may be parked illegally in Bruce Close or be servicing other to other properties on Bruce Close. On balance the proposed servicing arrangements are considered a significant improvement on the existing situation.

However, in order to facilitate the proposed market it is recommended that a Section 106 agreement for £6,000 is required monitor the on-street situation, with regard to unloading and deal with any issues that arise with the future servicing of the market.

A Transport Assessment has been submitted with the application. This confirms that the additional trip generated by the site will not have an adverse affect on the surrounding highway network.

The width of the vehicular access to the underground car park is not wide enough to allow two-way flow a traffic. The design of the access prevents vehicles entering and exiting the car park from being able to see each other. Paragraph 3.3.1 of the Transport Assessment states that 'the access will be controlled by a loop activated shuttle traffic light system, giving priority to vehicles accessing the basement car park from chipping close'. Details of the this system are shown on the accompanying plan no. S80481-D-001 Rev C. Please include a Condition that the Traffic Light System is implemented to control access to the underground car parking area.

Please include a Condition that the gradient of the ramp to the underground car parking area must not be steeper than 1:10.

The visibility requirements meet the guidance for this type of road. This is for the

safety of pedestrians walking along the footway.

Please include a condition that any redundant crossovers must be removed and reinstated back to footway construction at the end of the works. (Please note, any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works).

## **Recommendation**

The proposed servicing arrangements are considered to be a significant improvement on the existing situation and on-balance subject to a condition restricting the times of deliveries to Bruce Close and the S106 agreement for £6,000 to monitor the on-street situation in the vicinity of the site the proposal is considered acceptable on highway grounds.

### Comments received as part of the current application:

The same comments from the previously approved proposal apply to this application; in addition the Highways Team have the following observations:

The proposed provision of 21 parking spaces for the residential element of the development is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006. There is no specific parking standards for 'Markets', however the provision of 6 parking spaces is considered acceptable at this location.

The site is located within Chipping Barnet Controlled Parking Zone and several waiting restrictions operate in the roads surrounding the development. In order to prevent parking overspilling onto the public highways in the vicinity of the site, it is considered appropriate to exempt residents of the development from purchasing parking permits which would allow them to park in dedicated residents bays within the Chipping Barnet Controlled Parking Zone.

The proposed market should include the implementation of a Travel Plan. A condition should be included that before the development is occupied the Travel Plan shall be submitted and to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan co-ordinator.

In order to ensure the objectives of the Travel Plan are met a 'Monitoring Contribution' is required for monitoring the objectives of the Travel Plan. This contribution is included within the total £15,000 S106 Contribution.

A Section 106 Agreement for £6,000 to monitor the on-street situation in the vicinity of the site was required in the previous application. Please note that the Section 106 Agreements requirement from the previous application should be amended to £10,000 to account for increase in monitoring cost and to include changes to traffic orders to exempt residents from obtaining parking permits. An additional contribution of £5,000 would be required for monitoring the Travel Plan.

The proposal on-balance is considered acceptable on highways grounds subject to conditions below and a S106 agreement for £15,000 contribution (£10,000 to monitor the on-street situation in the vicinity of the site and changes to traffic order to prevent residents and market traders from purchasing parking permits and £5,000 for Travel

Plan Monitoring.

There are no objections to the extension of time to implementing the previous application subject to the same conditions as before together with additional conditions in respect of car park and deliveries management plan including details of deliveries, construction management plan and Section 106 Agreement to include a Travel Plan, amendments to the traffic order to exempt traders and residents from purchasing business/residents permits and a financial contribution for monitoring and traffic order changes as detailed above.

### **Environmental Health -**

No objections, recommend conditions

- **English Heritage-Archaeology -**

There was an archaeological condition attached to this consent. An evaluation was carried out in 2008 by the Museum of London Archaeology Service. No archaeological remains were encountered.

There is no recommendation for further archaeological work in association with the scheme.

- **Urban Design and Heritage -**

Included in the appraisal section of the report.

Date of Site Notice: 14 October 2010

Date of Press Notice: 14 October 2010

## **2. PLANNING APPRAISAL**

### Introduction

In October 2009 measures were introduced in order to make it easier for developers and LPA's to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

This procedure allows applicants to apply for a new planning permission to replace an existing permission which is in danger of lapsing in order to obtain a longer period in which to begin the development

The application which is the subject of this report is seeking to extend the time limit in respect of planning permission N12197C/05 for the Redevelopment of site comprising part two, part three-storey building for continued use as a market on the ground floor, with a total of 14 residential units on the upper ground floor with associated amenity space and basement parking (accessed from Chipping Close) for 27 cars' which was granted conditional planning permission subject to a Section 106 agreement on 7 November 2005 with a five year time limit. This 'extension' application was submitted prior to the expiry of the five year time limit. The courts have recognised that the LPA retains the jurisdiction to determine the application even though the original application has expired before determination. The outcome of a successful application is a new permission with a new time

limit attached.

Government advice is that in current circumstances, LPA's should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development has by definition been judged acceptable in principle previously and LPA's should focus on development plan policies and other material considerations that have changed significantly since the original grant of permission.

#### Site Description and Surroundings:

The application site relates to a rectangular site on the southeastern side of Chipping Close at its junction with St Albans Road, just to the north of the Spires Shopping Centre. It occupies virtually the whole of the south east side of Chipping Close, a length of some 70m and a frontage to St Albans Road of 22m and has a site area of approximately 1,360 square metres (0.136 hectares). On the opposite side of Chipping Close is a terrace of two storey houses.

The site lies within the Monken Hadley Conservation Area. King John granted a charter for a Market in Barnet in 1189 and it is this granting of a charter which is widely believed to have been the catalyst for the formation of Barnet as a settlement. Barnet Market originally occupied the triangular space to the south east of St John's Church however in 1874 William Kemp established a new market place off St Alban's Road which is the site of the former cattle market. The market still operates from this site.

The surrounding locality is mixed with the main part of Chipping Barnet Town Centre to the south and north east and residential to the north and west. The Territorial Army Centre is located to the northwest of the site, further along St Alban's Road.

Bruce Road is to the south east of the site.

The former cattle market buildings that existed on site have been removed and the site has a hard core surface and is bounded by hoardings.

#### Proposal:

Planning permission was granted in 2005 for 'the redevelopment of site comprising part two, part three-storey building for continued use as a market on the ground floor, with a total of 14 residential units on the upper floors with associated amenity space and basement parking (accessed from Chipping Close) for 27 cars' under planning reference N12197C/05. In 2008, the site was cleared and the Market was temporarily moved to Stapylton Car Park for a period of one year whilst the clearance works were being undertaken. However the Market is now back on its original site and trading twice a week.

This application seeks consent to extend the time limit for implementing planning permission N12197C/05. The previous report is attached as an appendix (Appendix Four).

The new building itself would have a frontage of 21.8m onto St Albans Road and 70m facing Chipping Close. The building would have varying roof heights with eaves facing St Albans Road and part of the return along Chipping Close of 6.4m high, with a ridge height of 9.1m. The eaves height along the majority of Chipping Close would be 5.4m. The central elements of the roof which would be set back some 7m from the buildings frontages would be 11m and 11.8m high. The St Albans Road/Chipping Close corner element would have 7no

dormer windows measuring 1.2m wide, 1.6m high and 1.6m deep.

The basement area would provide parking for up to 21 vehicles including 3 disabled parking spaces for residents and a further 6 spaces (including 1 disabled space) for the traders. There are also areas marked out for cycle racks, for both the market and residents use. There will be a trader store room and access to the ground floor via stairs and a lift. Vehicular access to the basement would be at the south west end of Chipping Close.

The ground floor would be used solely as the market area providing space for up to 52 stalls. There will be four different pedestrian entrances to the market; one from St Alban's Road which is to be a main entrance to the market, two from Chipping Close (one of which is also to be a main entrance) and one from Bruce Road. The entrance from Bruce Road is likely to be used mainly by traders given proximity to traders area. Two pedestrian accesses to the residential flats above are proposed, both off Chipping Close. The St Albans Road frontage and return corner frontage to Chipping Close would exhibit glazed shopfronts.

The first floor would comprise 5 x 2 bed flats, 2 x 2 bed plus study flats and 2 x 3 bed flats, the second floor would comprise 1 x 2 bed and 4 x 3 bed flats totalling 14 units. With the exception of 1 unit, the remaining flats have access to a balcony or conservatory courtyard.

### Planning Considerations:

Since the most recent approval in 2005, a number of key policy changes have occurred as well as an extension to the Monken Hadley Conservation Area boundaries which has meant that additional information was required as part of this application. This information is as follows:

- The site now lies within the Monken Hadley Conservation Area and as such the application required a Heritage Statement as set out within Planning Policy Statement 5 (PPS5).
- The Mayors Plan for London has introduced requirements in respect of Lifetime Homes
- The Council has adopted a Supplementary Planning Document in respect of Sustainable Design and Consideration.
- Within the adopted UDP (2006) Policy H5 - Affordable Housing is now relevant given that the number of units proposed is 14 which is within the threshold requirement of ten or more units and the applicant needs to address this policy.

During the course of the application additional information was requested in respect of these requirements and submitted by the applicant.

In terms of a mixed use building on the site comprising of both the Market and residential this is considered to be acceptable and appropriate. It is recognised in the UDP that markets, whether they are covered, on-street or off-street, are generally popular with shoppers. They can contribute to the atmosphere, diversity and vitality of town centres in general, and shopping facilities in particular. Furthermore, markets encourage enterprise and could encourage small businesses with an opportunity to be established. It is also recognised that there are potential problems associated with markets, especially litter, noise, traffic and parking congestion. However it is also considered that any adverse impacts could be reduced through good management. Policy TCR16 of the UDP (2006) states that proposals for new open air and covered markets in the borough's town centres will normally be granted planning permission where:

- The vitality, viability and attractiveness of the centre will be enhanced;

- There is no adverse effect on residential amenity and the general environment;
- There are adequate arrangements for parking and servicing and there is no unacceptable disruption to pedestrian and vehicular traffic;
- There is adequate provision for the storage and disposal of litter and refuse and the storage of stalls.

The market has occupied this site for many years and therefore the principle of a covered market is considered to be acceptable. It would enhance the vitality and viability of Chipping Barnet Town Centre as well as encouraging the growth of smaller businesses. In terms of residential amenity, the proposed development is considered to be an improvement upon the current situation which sees an open air market. As the market is to be covered, with formal parking arrangements and delivery times it is considered to reduce the potential for undue noise and disturbance and for any stress on the local parking situation. The proposal is considered to comply with Policy TCR16.

The residential part of the scheme has always been part of a mixed scheme and the uses are considered to be compatible and no objections have been raised by Environmental Health with respect to noise and disturbance. Indeed the inclusion of residential accommodation in large new developments in town centres is encouraged by the UDP.

PPS4 sets out the governments comprehensive policy framework for planning for sustainable economic development in urban areas. PPS4 defines economic development as that development that includes developments within the B Use Classes, public and community uses and main town centre uses. To help achieve sustainable economic growth, one of the Government's objectives for planning is promote the vitality and viability of the town and other centres as important places for communities and to do this, the Government wants the historic, archeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity. Planning applications which secure sustainable economic growth should be treated favourably. It is considered that this application complies with the guidance set out within PPS4 and that the overall development will enhance the appearance of the area, will lead to sustained employment in terms of the Market as well as creating the potential for generating further trade for other retail uses in the town centre.

***Impact of the development on the character and appearance of the application site, general locality and the Monken Hadley Conservation area***

PPS5 - Planning and the Historic Environment came into force on 23rd March 2010 and provides a full statement of Government policies for the identification and protection of historic buildings, otherwise known as heritage assets and other elements of the historic environment. This document is a material consideration when assessing this application. The applicant is required to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance as part of the application. A Heritage Statement has been submitted and it is considered that this addresses the requirements of PPS5. The Monken Hadley Conservation Area Character Appraisal includes reference to the extant planning permission for the redevelopment of the market. The building will have a considerable presence in the street scene. Relative heights have been observed and the building has an outward appearance of rhythm and pattern of repetition which is characteristic of the area and historic terraces. The overall volume of the building will be more comparable to the massing of the Spires however. It is considered that on the 1<sup>st</sup> and 2<sup>nd</sup> floor level Chipping Close elevation the architecture is acceptable in relation to buildings in the street scene and the Conservation Area and would not have a detrimental impact. The detailing at ground floor level (market level) is considered to be quite good and

would be an enhancement at street level in terms of appearance. Conditions are recommended to ensure that the detailed elevations of the building will be commensurate with the buildings location in the conservation area.

During the previous application, the building was designed taking into account that the site was on the boundary of the conservation area and that it was proposed to extend the conservation area to include the site. This design is still considered acceptable now that the site is part of the conservation area. The design and appearance as well as the size of the overall building is considered to be acceptable and would enhance this part of the locality having regard for local character. Overall, it is considered to have been sensitively designed around the existing buildings in the locality and would provide visual interest to this part of the locality, in particular the St Albans Road frontage. The proposed height of the building is not considered to result in a visually obtrusive or overly dominant building. It respects the heights of the surrounding development and whilst the development would be higher than properties in Chipping Close, this in itself is not unacceptable. The height of the building would work very well with other buildings to the south of the site and those to the east, along St Albans Road which are higher and the overall massing of the building is considered to take into account the different building heights in the immediate locality and the relationship that the site has with its neighbours.

As such it would not compromise the character or appearance of the surrounding area.

### ***Residential Amenity***

The size, design and layout of the residential units is considered to be acceptable. The floor areas are in accordance to those set out within the Councils Supplementary Planning Document - Sustainable Design and Construction. The floor areas exceed the requirements of the London Plan. In terms of outlook and aspect from the residential units, this is also considered to be acceptable.

The relationship between the new building and properties along Chipping Close is considered to be of high importance. Care has been taken in the design and positioning of windows to ensure that the amenities of the occupiers of properties along Chipping Close are safeguarded to an acceptable degree. The lower parts of the windows at first floor level facing Chipping Close have been proposed to be obscure glazed to overcome any issues with overlooking and loss of privacy and a suitably worded condition has been recommended to ensure that this is adhered to.

Given the proximity of the nearest residential properties in Chipping Close, the north west elevation would only be two storeys high with lowered eaves to reduce any visual impact or loss of light the proposal could have on the occupiers of properties facing this elevation.

The council will generally require a minimum area of private garden space for new dwellings. This will help to protect and improve the quality of residential areas and maintain living standard. For flats it could be provided communally around buildings, but must be usable. The council encourages the development of high density development such as flats in or very near town centres as they help to meet the government's objectives for achieving sustainable development. It may not always be possible to provide amenity space for such proposals in line with the standards set out in Policy H18 however where this is the case, proposals should have an exceptionally high quality of urban design to ensure alternative amenities are provided for occupiers. Within this scheme, balconies are proposed for a number of the units at first floor and covered courtyards are proposed for some of the flats at second floor. This is considered to be acceptable given the town centre location. Additionally



a contribution to public open space will be provided through a Section 106 Agreement.

Since the previous planning approval, further improvements have been made to the scheme to ensure its compliance with the Lifetime Homes 16 point design criteria. The Lifetime Homes standard is a set of 16 design criteria that provide a model for building accessible and adaptable homes. Each design feature adds to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life.

The improvements proposed within the current application include the following:

- There are 21 car parking bays for the residents of the flats and a further 6 for the traders. Within this total, 3 bays have been designated accessible. Each parking bay measures 2.4m by 4.8m and each accessible parking bay measures 3.3m by 5.7m incorporating a 0.9m clear zone to their width and length. In the parking area for the market traders the sizes of the bays have been increased to 3m by 5.5m to allow room for the commercial vehicles.
- Access from the parking level to the residential units and market floor above is provided by three accessible passenger lifts. There is a step free level approach to the lift. All parking bays are located no further than 15m away from the nearest lift core
- Approach to all entrances into the building will be gently sloped from the level of the existing pavement to the new entry point and at a gradient that never exceeds 1:12
- Canopies will be provided above the four entrance doors along Chipping Close and St Albans Road. They will be illuminated at night with their locks and access control points made clearly visible.
- All units will be capable of allowing a turning circle of 1500mm for wheelchair users
- Entrance level living space, potential for entrance level bedroom space and through-floor lift in dwelling
- All internal doors within each flat will have a clear opening width of 775mm and a wall nib of at least 300mm to the side of their leading edge, pull side
- Potential for fitting of hoists in bedroom and bathroom
- All switches, sockets, ventilation and service controls have been located at a height that is usable to all.

The Council supports the concept of Lifetime Homes and is committed to ensuring that all new housing in the borough is built to these standards. It is considered that these improvements as well as others listed with the Design Statement dated March 2011 are considered to accord with Lifetime Homes requirements and other requirements or wheelchair user standards. The design and layout of the building has been designed to accommodate the needs of not just disabled people but the requirements of a wide range of households, including families with push chairs.

### ***Sustainability***

PPS1 sets out the government's overarching planning policies on the delivery of sustainable development through the planning system. The Council adopted a Sustainable Design and Construction supplementary planning document in June 2007 which sets out to provide guidance to planners, developers and architects on how to achieve the Council's requirements in sustainable design and construction. A Sustainability Statement has been submitted as part of this application.

Within this statement, the requirements from both the Mayor's 'London Sustainability Checklist' and the Council's SPD has been included. The statement is detailed and concise and is considered to address the requirements of the SPD, UDP policies GSD and GEnergy

and PPS22 and therefore the development is considered to be acceptable.

Within the Sustainability Statement, a number of different measures were considered against whether they would be successful, cost factors and the total energy reduction. The statement found that for the Barnet Market Site, the most appropriate strategy to help reduce the carbon emissions of the building would be a combination of solar hot water system, PV panels and ground source heat pumps. The combination of solar hot water system and PV panels would save 21.5% of the total carbon emission of the residential block. Adding ground source heat pumps to this would result in a total of 13.2% of the carbon emission of the whole building (including the market) which could be saved through installation of renewable energy system.

Within the scheme a range of different measures are proposed in order to incorporate sustainable design and construction principles as laid out in national, regional and local planning policies. These measures are as follows:

- Green roof on parts of the building
- Solar panels within the flat roof parts of the roof

The Sustainability Statement also demonstrates that given a reasonable set of criteria for the building fabric and building services, the proposed Barnet Market building will comply with the Building Regulations Part L Approved Document ADL2A (2010) - Conservation of Fuel and Power.

The statement makes reference to being able to achieve Code Level 3 for Sustainable Homes by including a pre-assessment. Therefore a condition has been recommended in this respect.

### ***Affordable Housing***

No affordable housing was proposed as part of the original scheme in 2005. This was approved prior to the adoption of the UDP in 2006 which introduced the 10 unit threshold. This is a material change in circumstances that needs to be addressed in the consideration of this application.

In accordance with policy H5 of the Barnet UDP the proposed development would normally be expected to provide the maximum reasonable amount of affordable housing. This would be expected to be affordable for successive occupiers. Policy H8 makes it clear that on such developments the Council may exceptionally accept

the provision of off site housing or a commuted payment, instead of such provision.

The councils Supplementary Planning Document (SPD) - Affordable Housing (adopted February 2007) sets out the council's requirements on affordable housing provision.

Paragraph 5.2 – 5.4 of the SPD sets out how affordable housing contributions are calculated.

The SPD expects a provision of affordable housing to be 50 per cent of total housing built.

In support of the application, the applicants have submitted an 'Assessment of the Economic Viability of Affordable Housing in respect of the development.' This report concludes that the provision of affordable housing would not be financially viable. In considering this matter, the authority has had the report independently assessed and that assessment concurs with the applicants report that the proposed development cannot provide any affordable housing.

The SPD on Affordable Housing makes provision for Exceptional Costs and Open Book Approach to viability to justify reduced affordable housing provision. In the circumstances of this site which was brought forward for development prior to the current thresholds being introduced and for which it has been demonstrated that the provision of affordable housing would be unviable it is considered that an exception to the policy can be justified in this case and a refusal based on the lack of provision of affordable housing as part of this development could not be substantiated at appeal.

### ***Transport***

The Transport Assessment which was submitted as part of the previous planning application dated April 2005 was submitted as part of this application. However the Highways Department is satisfied that this is still largely relevant and no updated assessment is required as part of this application.

### ***Section 106***

This application is being supported by a Section 106 which will provide financial contributions towards education, health and library facilities in the borough. Included in this is a contribution towards the council's monitoring costs as well as contributions towards the maintenance and upkeep of open space within the borough.

The amounts required are as follows:

Education - £78,346

Libraries - £1,946

Healthcare - £15,248

Open Space - £14,000

Highways - £15,000

The contributions as set out in the recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development in accordance with regulation 122 of The Community Infrastructure Levy Regulations 2010. This has been agreed by the applicant.

### ***Chipping Barnet Town Strategy***

This strategy is still in the course of preparation and as such is not a material consideration in the assessment of the application.

## **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Mainly dealt with in the planning appraisal. However the following comments can be made:

- The information that has now been submitted and the quality of the plans are appropriate to the application and enable the application to be properly assessed
- The comments in respect of the condition of the site as it currently exists are noted but that has no bearing on the planning merits of the proposed development.
- The concerns in respect of the market changing to some other use in the future are noted and a condition has been recommended that requires the ground floor to be used as a stall market only and for no other purpose

- The relationship between the owners of the market, the stall holders and Friends of Barnet Market is not a material planning consideration
- The measure to extend the time limits for implementing planning permission was introduced in order to make it easier for developers and Local Planning Authorities to keep planning permission alive for longer during the economic downturn so that they can be implemented more quickly when economic conditions improve. The length of time for which a permission may be extended is covered by the provisions of the Planning Act 1990 which sets a default period of 3 years. The Local Planning Authority however does have discretion to grant longer or shorter permissions if this can be justified on planning grounds. In the circumstances surrounding the application and the current economic conditions, it is considered that the permission should be extended for the default period of 3 years. There are no planning reasons to justify reducing the period.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **5. CONCLUSION**

The proposed development is considered to have an acceptable impact on the character and appearance of the general locality and is considered to enhance this part of the Monken Hadley Conservation Area. It would result in a mixed use development which would see the retention of the market and the provision of housing in a sustainable town centre location. The proposed development has been sensitively designed in relation to existing buildings and the surrounding area and it is considered that the historic environment of the Chipping Barnet Town Centre is protected and enhanced. The proposal is not considered to have an adverse impact on the residential or visual amenities of the neighbouring occupiers or result in harm to the surrounding highway network.

This application has taken all relevant policies into account and is considered to accord with local and national planning policies.

It is therefore recommended that this application be approved, subject to conditions.

**The Rt. Hon. Mrs Theresa Villiers MP**  
**Member of Parliament for Chipping Barnet**  
House of Commons, London, SW1A 0AA  
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Stewart Murray  
Director of Planning, Housing & Regeneration  
Barnet Council  
Building 4, North London Business Park  
Oakleigh Road South  
London N11 1NP

*Reference (please quote if replying) TV/CC/CB2084*

31 October 2010

Dear Stewart

**Town and Country Planning Act 1990**

**Site: Barnet Market site, 5 St Albans Road, Barnet, EN5 4LN**

**Proposal: Extension to the time limit for implementing planning application reference N12197C/05**

I write to support the Friends of Barnet Market (FoBM) who have submitted their comments and formal objections to the application to extend the time limit for implementing planning consent to develop the Barnet Market site.

I have received a copy of the letter Dr Nightingale has sent to Lisa Cheung on behalf of FoBM (attached for information). He sets out a number of reasons which he believes should be considered in the light of changed planning policy. These include the potential conflict between the proposed residential development and the market and the threat which this could pose to its future.

You will see that Dr Nightingale raises a number of other issues which he asks to be taken into account. I also note that Dr Nightingale requests that either he or another representative of FoBM be permitted to address the planning committee. I hope you will be able to accept this request.

I would be grateful if the representations submitted by FoBM could be carefully considered by the planning committee before they reach a decision. I too am opposed to the application for an extension. I would also urge the Council to staunchly resist any suggestion of lifting the requirement to retain a market on the site.

The market is a much valued part of our local heritage and our local community. It also plays a very important part in keeping other local retailers viable by bringing people to High Barnet to shop. I hope that the planning committee will bear these matters in mind in the decision they make this application and in any future decisions on the St Alban's Road site.

Kind regards

*Theresa Villiers*

MONKEN HADLEY AND WOOD STREET  
CONSERVATION AREA ADVISORY COMMITTEE

*Secretary: Richard W Peart*  
*Tel: 020 8449 3723*  
*email: rwpeart@care4free.net*

*"Strathyre"*  
*Hadley Green*  
*BARNET*  
*Herts*  
*EN5 4PS*

10 November 2010

Ms Lisa Cheung  
Planning Officer, Chipping Barnet Area Team  
Planning, Housing and Regeneration  
London Borough of Barnet  
Building 2, North London Business Park  
Oakleigh Road South  
London, N11 1NP

Dear Ms Cheung

**App REF: B/03642/10**  
**BARNET MARKET SITE 5 ST ALBANS ROAD BARNET EN5 4LN**

Following the last CAAC meeting on 18 October, when we provided our brief comments on the above application, we are writing now with a more detailed response.

The Government's guidance for dealing with applications to replace an extant planning permission, in order to extend the time limit for implementation, includes advice that local planning departments should consider the application in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 and focus their attention on development plan policies and other material considerations which may have changed significantly since the original permission was granted. The previous consent was granted in November 2005 and a number of significant changes have occurred since then, not only at local level, but also London-wide and at national level. In development plan terms, these include Barnet's emerging LDF, the amended London Plan and the introduction of new Planning Policy Statements.

One of the other significant changes is that the previous planning consent was granted prior to the extension of the Monken Hadley Conservation Area. The report to Committee states: "The site adjoins the Monken Hadley Conservation Area and a proposal to expand the conservation area that would include Barnet Market is currently the subject of public consultation". The new Planning Policy Statement 5 (PPS 5) was introduced in March 2010: this is now the policy basis for all plan-making and assessing of heritage-related applications in England and is the first major step in the reform of the heritage planning system ahead of a new Bill. It strengthens the controls over development in Conservation Areas, whilst encouraging local authorities to take into account the desirability of new development making a positive contribution to the historic environment.

The Monken Hadley Conservation Area extension has been given added protection as the Council has made the site and its surroundings subject to an Article 4 direction. The Conservation Area status and Article 4 direction require the Council to ensure that any development proposals preserve or enhance the character and appearance of the area and provide powers to enforce this; PPS5 strengthens this.

As the Conservation Area has been extended to include the site, the new application should be accompanied by an application for Conservation Area consent. It appears that such an application has not been made. According to the Council's guidance a Conservation Area Consent application should include a Heritage Statement – 'a written statement to include a structural survey, analysis of the character and appearance of the building/structure, principles of and justification for demolition and impact on special character of the area'.

The site now being within the Conservation Area is a material consideration. The proposals should be re-assessed against the content of the Conservation Area Character Appraisal Statement (Adopted January 2007). The latter includes a description of the market site as it was prior to demolition (which took place in January 2008) and continues: "...Occupying part of the same block, and adjacent to the market along St Albans Road, is Bruce Road. Bruce Road contains three, two storey properties.....This is the periphery of the town centre, and marks a change in townscape towards a smaller, more domestic scale....Opposite the market in Chipping Close stands a terrace of small, brick built two-storey cottages.....They are in keeping with the predominant height of local properties.....". This suggests that the height for new development on the market site should be two-storey, continuing the predominant scale and domestic character of this part of the Conservation Area.

The main visual impact of any new development on this site will be its appearance from St Albans Road. This part of the site sits between Bruce Road and Chipping Close and a new building should continue the "smaller, more domestic scale". The proposals are for part two-storey, part three-storey development and, whilst the three-storey element facing St Albans Road is contained within a pitched roof with dormers, there is a larger three-storey element close behind. The drawings do not make it clear, but such an element would be visible from St Albans Road and would be detrimental to the smaller scale character of the immediate area.

The application drawings include representation of some of the taller parts of the roof as faint lines only. The proposed West Elevation shows a flank wall to the set-back second floor gable, keyed for materials, whereas the proposed East Elevation simply shows the roof as a faint line in the background with no materials key, although it is set no further back than the rendered flank wall. Had the roof been indicated as clearly as the set-back rendered wall, it would have shown that the roof could be seen as approximately one and a half storeys higher than the immediate neighbour to the east (corner of Bruce Road) and the houses in Chipping Close. It appears therefore that the drawings do not indicate the full impact of the building's height, particularly on the St Albans Road frontage. There are national requirements for planning applications to provide accurate drawings, showing the impact of any new proposals on their neighbours. This is particularly important in Conservation Areas. The treatment of the south elevation as three full storeys would be out of character with this part of the Conservation Area. It also creates the difficulty described above of resolving the junction of the full three storeys with those contained within the roofspace, and being visible on the principal frontage.

The site now falling within the Conservation Area also puts new emphasis on the design quality of the proposals. These should show an understanding of the elements, the scale and appearance that make up the character of this part of the Conservation Area. In addition to there being no Heritage Statement, there is no evidence of submission of a Design & Access Statement with the application. This has been a national requirement for major applications since 10 Aug 2006 and obligatory for all Conservation Area applications. The design appears to have taken a 'traditional' approach, with the use of pitched roofs, sash windows, reconstituted stone detailing and decorative railings, but with limited success. Each elevation is treated differently and the building's design lacks coherence, as a result. The design of entrances and principal windows appears over-done in an area where the character is of under-stated, repetitive elements. Concern about overlooking and loss of privacy to houses in Chipping Close appears to have resulted in the introduction of enclosed 'conservatory courtyards' with full height glazing on this elevation. The size and proportion of these are out of character with the surrounding buildings. The design of the south elevation with its balconies, balconettes and broken eaves line bears little relation to its immediate context.

The site is an important one, close to the town centre and within the Conservation Area, but the latter does not mean that the architecture should be pastiche. The new Barnet College shows how a well-designed, contemporary building can complement and enhance its surroundings. Design quality for a site such as this should be 'raising the game' and the current design fall short. Re-appraising the design within the context of the Conservation Area will be required for this application due to the material change. An explanation of the approach to scale, mass and detailed design should be included in a Design & Access Statement. It is considered that the design as it stands is of insufficient quality and would not make a positive contribution to the character of the Conservation Area.

In terms of visual impact, we would also comment that the site has been left in an unsatisfactory state for almost 3 years, following demolition. The perimeter hoardings and the interior of the site, visible through the gates, are unsightly. This is detrimental to the appearance and character of the Conservation Area now.

In addition to the requirement to assess the impact of the proposed buildings on the Conservation Area, we would wish to emphasise the role of Barnet Market itself with regard to the character of Chipping Barnet town centre, including both its Conservation Areas. The Market began with a royal Charter in 1199 and the town grew around it,



originally on its site to the south of St John the Baptist and, later, on the current site (it moved to St Albans Road in 1874). The development of the High Street over centuries, with its many inns and taverns, is a direct result of the need to provide food, drink and accommodation for farmers, traders and customers, attracted to the weekly livestock market. The existence of extensive areas of open space so close to the town centre are largely due to the need to have grazing land close to the market. The last livestock auction took place on the present site in 1959. Since then the market has been used as a general stalls market. For over 800 years the market has been at the heart of the town and has greatly influenced its character.

Since granting consent for redevelopment in 2005, a number of things have happened to this historic Market. The first was that it was temporarily relocated to Stapylton Road car park in order that redevelopment could take place, with the loss of approximately half its stalls (January 2008). The second was that the market sheds, buildings, perimeter wall etc were demolished (see the description of these in the Conservation Area Character Appraisal Statement). However, the next stage, redevelopment, did not occur as the owners say they were unable to obtain finance for the scheme. After considerable time, and great uncertainty for traders, the market moved back to St Albans Road in November 2009 with temporary hoardings, no facilities and no suitable surface. As a result of the reduction in the number of stalls, the unsightly appearance and the unsafe surface, customers have reduced in number too. Uncertainty about the future of the Market continues amongst traders, who are given no information about when or whether development will happen. In these circumstances, although the site offers space for far more stalls, it is difficult to attract new traders and to enable the market to grow and flourish. Ironically, there is a high possibility therefore that, as a result of granting a planning consent for redevelopment to keep the market going, its partial implementation (demolition) could be the cause of its demise. It is our view that the loss of the Market would be harmful to the character of both the Conservation Area and the town centre. Whilst planning policy cannot ensure the future of a commercial enterprise, recent national and local policy has recognised the importance of markets in the local identity and vibrancy of town centres. This is acknowledged with the publication of Planning Policy Statement (PPS)4: Planning for Prosperous Economies (December 2009) and the Council's new LDF Core Strategy (Publication Draft September 2010), which includes policy '*ensuring that markets remain attractive and competitive by investing in their improvement*'.

It is our contention that by granting an extension to the previous consent and therefore potentially allowing the status quo to continue for another 3 years, it is highly likely that the market will disappear altogether. This would be contrary to current Council policy and harmful to the character of the Monken Hadley Conservation Area.

We therefore OBJECT to the application by reason of its proposed scale, mass, detailed design and appearance which would be harmful to the character and appearance of this part of the Monken Hadley Conservation Area and contrary to policies GBEnv1, GBEnv2, GBEnv4, D1, D2, HC1 and H27 of the Adopted Barnet Unitary Development Plan, PPS1 and PPS5.

If the Council is still minded to grant consent, we would request that one of the Conditions applied to the previous consent is amended and another is added, as follows:

Condition 2: The ground floor area as shown on plan WBM-672-2.00 rev F shall be used for a stall market Class A1 and for no other use, even if the historic stall market has ceased to exist. The use as 'stall market Class A1' is protected and shall not be changed to general A1 use, whether there is a stall market in existence or not.

Additional Condition (or S106 obligation) to the effect that, should development not be started within 3 months of the date of the new consent, a tarmac surface shall be laid over the whole site to provide a safe finish, suitable for access by traders, pedestrians and wheelchair users.

Yours sincerely

Richard Peart  
Secretary  
On behalf of  
**Monken Hadley & Wood Street Conservation Area Advisory Committee**

**The Rt. Hon. Mrs Theresa Villiers MP**  
**Member of Parliament for Chipping Barnet**  
House of Commons, London, SW1A 0AA  
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Ms Lisa Cheung  
Planning, Housing and Regeneration service  
Building 4  
North London Business Park  
Oakleigh Road South  
London N11 1NP

*Reference (please quote if replying) TV/CC*

*Your reference: B/03642/10*

14<sup>th</sup> April 2011

Dear Ms Cheung

**Re: Planning application to extend the time limit for implementing permission N12197C/05 to redevelop Barnet Market.**

You will have received my earlier representations on the above application for an extension of time for implementation of the planning consent to redevelop the Barnet Market site in St Alban's Road. In the light of recently published documents on this issue and further discussions with my constituents, I would be grateful if the planning committee could consider the following additional representations.

*A* **I would also be grateful if you could note my request to address the committee when they consider this application.** *B*

I would like express my support for the points made by the Barnet Society in their letter to you dated 12<sup>th</sup> April. In particular, I agree that the previous consent for the redevelopment of the site no longer suits either the market traders' or the community's vision for the Market and the role it should play in a revitalised town centre.

Like the Barnet Society, I am concerned about the viability of the proposed development contained in the current planning consent. I also believe that the proposals would not provide adequate facilities to traders for parking, loading, unloading and storage.

Furthermore, I am deeply concerned that the uncertainty surrounding the future of this much valued asset for the local community has now dragged on for so many years.

I understand that the current owners were first granted planning permission for redevelopment over 10 years ago. Even their second permission (which is the subject of this application) was granted long before the credit crunch made financing such developments difficult.

Yet virtually no work has been carried out, apart from demolishing the limited facilities that the site used to offer the traders and their customers, and laying a surface which continues to be unsuitable. This hard and uneven surface is uncomfortable for traders and customers alike, particularly the disabled, and impossible to clean thoroughly. The facilities in which traders now have to operate are increasingly unacceptable.

This undermines the credibility repeated assertions made by the owners in the personal statement they have submitted that they are committed to the Market and supportive of it. Indeed, without the condition imposed by the Council that any development on the St Alban's Road site must contain a stall market, together with the provision of a temporary home in the Council's car park in Stapylton Road, it is difficult to see how the market could have survived at all.

The Market is an integral part of our local community. It has played a unique part in our local history and it is an important economic asset for the high street, even with the current problems faced by traders.

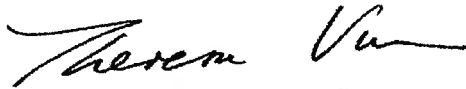
I strongly believe that with the right support, the Market has the potential to become a major magnet for trade and shoppers. I also believe that considering the future of the Market in the context of overall plans for the Chipping Barnet Town Centre, in conjunction with work on the Spires and the TA Centre, is a far better option than continued focus St Alban's Road as an individual site. We now face a once in a generation opportunity to remodel and revive the town centre and we should not let it slip through our fingers.

In the light of these concerns, my first preference would be for the application for a time extension to be refused altogether, so that Mr and Mrs Walsh would either have to re-apply with a much improved scheme or sell the site to someone who would.

However, I appreciate that legally binding rules leave the Council, as the local planning authority, with very limited options here. As a second preference, I therefore would urge the committee to limit the extension of time to one year. If, as they maintain in their personal statement, the Walshes have joint venture partners ready to go, then a year should be enough for them to get their project off the ground.

In conclusion, the Market has been part of our community for over 800 years. It enjoys strong support from local residents and from its MP. I would urge the Committee to refuse the extension or place the limit on it advocated by the Barnet Society, so that we can start afresh with new plans to safeguard the long term future of the market and turn it into the real success it so easily could be.

Yours sincerely

A handwritten signature in black ink, appearing to read "Theresa Van". The signature is written in a cursive style with a long, sweeping underline.

## CHIPPING BARNET AREA PLANNING SUB-COMMITTEE 6/9/2005.

**LOCATION:** Barnet Market Site, 5 St Albans Road, Barnet, Hertfordshire, EN5 4LN.

**REFERENCE:** N12197C/05                      **Received:** 5 Aug 2005  
**Accepted:** 8 Aug 2005

**WARD:** High Barnet                      **Expiry:** 7 Nov 2005  
**Final Revisions:**

**APPLICANT:** Mr & Mrs Walsh

**PROPOSAL:** Redevelopment of site comprising part two, part three-storey building for continued use as a market on the ground floor, with a total of 14 residential units on the upper floors with associated amenity space, and basement parking (accessed from Chipping Close) for 27 cars.

**RECOMMENDATION I:**

That the Borough Solicitor and Head of Planning be instructed to invite the applicant and any other person having requisite interest, to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990, and any other legislation which the Borough Solicitor considers is necessary for the purposes of seeking to secure the following advantage:

- (a) A contribution of £17860 towards education provision in the Borough;
- (b) A contribution of £12000 towards improvements of nearby open spaces;
- (c) A contribution of £6000 towards highways monitoring costs;
- (d) The payment in (a) to become payable in its entirety within 28 days following a material start of any building implementing the planning permission with prior written notice to the Head of Planning 14 days before the implementation of development;
- (e) Paying of the Council's legal and professional costs of preparing the agreement and any other enabling agreements.

**RECOMMENDATION II:**

That upon completion of such agreement the Director of Environment or Head of Planning be instructed to approve planning application ref: N12197C/05 under delegated powers subject to the following conditions:-

1. This development must be begun not later than three years from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act, 1990.

2. The ground floor area, as shown on plan WBM-672-2.00 rev F shall be used for a stall market Class A1 and for no other use.

Reason: To protect the Market area and ensure its continuity.

3. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan WBM-672-2.00 rev F shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

4. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

5. Before the development hereby permitted commences, details/samples of the design and materials to be used for the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

- \* Facing materials including brick, slate and render

- \* Windows, cills and arches, including sections and glazing bars at a 1:1 scale

- \* Dormer windows

- \* Roof lights

- \* Chimneys

- \* Eaves fronting St Albans Road

- \* Entrance doors

- \* Balustrade to balconies

- \* Piers

- \* Veranda at entrance to market

- \* Railings

- \*

- \* Reason

To safeguard the visual amenities of the locality.

6. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining

residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

7. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

8. Before the building hereby permitted is occupied the proposed window(s) in the proposed first floor bedroom windows in the Chipping Close elevation facing shall be glazed with obscure glass only As shown on plan WBM-672-2.10 rev G and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

9. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

10. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

11. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

12. The development of this site is likely to damage archaeological remains. No development shall therefore take place until the applicant has secured the implementation of a programme of archaeological work, including an initial field evaluation and subsequent mitigation strategy if necessary, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority. This design should be in accordance with the appropriate English Heritage guidelines.

**Reason**

To enable Archaeological investigation of the site.

13. Before air conditioning and any other plant machinery is used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority.

**Reason**

To ensure that the proposed development does not prejudice the amenities of the occupiers of adjoining residential properties.

14. Before the development hereby permitted commences, arrangements shall be made and implemented for the continuance of trading of the stall market during construction work.

**Reason**

To ensure uninterrupted trading for the Market Traders

15. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

**Reason:** To enable archaeological investigation of site.

16. No loading or unloading shall take place at the Bruce Road entrance of the Market on any Sunday, Bank or Public Holiday or after 8:00 am or after before 16:30 p.m. on any other day.

**Reason:** To protect the amenity of neighbouring residents.

**RECOMMENDATION III:**

That if the above agreement has not been completed by 7<sup>th</sup> November 2005 the Head of Planning REFUSES the application reference N12197C/05 under delegated powers for the following reasons:

1. The development does not include a formal undertaking to provide a contribution towards the provision to meet the extra educational costs that would arise from the development or the costs for highways



improvements. The proposal is therefore to contrary to Policies EDN1.1 of the Barnet Adopted Unitary Development Plan (1991) and Policies CS8 and IMP1 of the Barnet Revised Deposit Draft Modifications, approved 28 June 2005

2. The development would result in a shortfall of on-site amenity space provision contrary to Policy H3.2 of the Barnet Adopted Unitary Development Plan (1991) and Policies H18 and H20 of the Barnet Revised Deposit Draft Unitary Development Plan (March 2001) this would result in additional strain being placed on existing off site facilities without a formal undertaking to provide a contribution towards the improvement of these facilities which would be needed as a result of the development contrary to Policies IMP1 and IMP2 of the Barnet Revised Deposit Draft Modifications, approved 28 June 2005.

#### **INFORMATIVE(S):-**

1. The plans accompanying this application are:- Drawing no's: WBM-672-1.10, 2.00 rev F, 2.01 rev E, 2.10 rev G, 2.20 rev D and Transport Assessment by JNP Group dated April 2005.
2. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the Mayor's London Plan (published 10 February 2004) and the Adopted Barnet Unitary Development Plan, Unitary Development Plan Revised Deposit Draft Modifications, approved 28 June 2005.

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (1991): G1 (Character / Environment), G18 (Residential Character), H6.1 (Extensions), and T1.1 (Character / Design Issues).

Unitary Development Plan Revised Deposit Draft Modifications, approved 28 June 2005: GBEnv1 (Character), D2 (Built Environment / Character), and H27 (Extensions to Houses and Detached Buildings), and:

The proposal is acceptable for the following reason(s): The proposal would not have a significantly detrimental impact on the visual or residential amenities of occupiers of surrounding properties.

3. Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Office of the Deputy Prime Minister website at: [www.ODPM.gov.uk](http://www.ODPM.gov.uk).

#### **1. MATERIAL CONSIDERATIONS**

##### Relevant Unitary Development Plan Policies:

Adopted UDP:

G1, G16, G18, T1.1, T1.3, H1.1, H1.2, H2.1, M2.1, M6.1.

Revised Deposit Draft Modifications, approved 28 June 2005:

GBEnv1, GBEnv2, GBEnv5, Gparking, D1, D2, D3, D4, D5, D6, D8, D9, H14, H16, M11, M14, H12, H16

Relevant Planning History:

N12197 – Alterations to entrance to Market from Chipping Close involving brick piers, gate and wall. Approved 01/11/1999

N12197A/01 -Redevelopment of site, comprising a part 2, part 3 storey building for continued use as a Market on the ground floor with 9 residential units on the upper floors with open amenity area at 1st floor level. Approved 23/10/2002

N12197B/05 - Part two, part three storey building for continued use as market on the ground floor, with 14 residential units on the upper floors with associated amenity space and basement car parking for 28 cars. Withdrawn on 25-07-2005

Consultations and views Expressed:

The application was advertised in the press and on-site

Neighbours Consulted: 132 Replies: 2 (1 in support) replies at the time of writing this report. Any further comments received on the plans will be reported at the Committee meeting. (However the previously withdrawn scheme had 4 objectors and 13 in support)

The objections received can be summarized as follows:

- Loss of light and overlooking

*Environment Agency* – No objections.

Internal/Other Consultation:

*Traffic and Transportation:* The proposed servicing arrangements are considered to be a significant improvement on the existing situation and on-balance subject to a Condition restricting the times of deliveries to Bruce Close and the S106 agreement for £6,000 to monitor the on-street situation in the vicinity of the site the proposal is considered acceptable on highway grounds.

*Conservation and design:* In design terms there have been significant improvements to the current scheme compared to the previous schemes, particularly on the St Albans Road frontage. The fenestration has been altered to reflect the traditional windows on the adjoining houses and chimneys have been added. The eaves height fronting Chipping Close has also been reduced

at our request. The proposal is now considered acceptable in terms of its design, bulk and massing.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings

Barnet Market occupies a rectangular site on the southern side of St Albans Road, just to the north of the Spires Shopping Centre. The site adjoins the Monken Hadley Conservation Area and a proposal to expand the conservation area that would include Barnet Market is currently the subject of public consultation. King John granted a charter for a Market in Barnet in 1189. The present site is not that of the original market, which has moved in its history, but it is the site of the former cattle market and dates back to approximately the mid 1800's. The market is a general stall market operating two days a week.

The physical state of the Market has deteriorated over the years, and has a lack of visibility due to its only frontage onto the edge of the secondary shopping area of St Albans Road and its limited and indirect pedestrian links with the Spires Shopping Centre and the High Street. The Market no longer provides suitable accommodation for the traders and its condition has contributed to a general downturn in the Market's popularity and success. The current premises do not offer secure accommodation and this has led to a number of incidents of theft and vandalism.

### Proposal

The proposal is for the Market to be on the ground floor with 14no two and three bedroom flats on the upper floors with basement parking for residents and traders.

The proposed first floor would consist of 5no two bedroom flats and 4no three bedroom flats and the second floor of 1no two bedroom flat and 4no three bedroom flats.

### Material Planning Considerations

The principle of residential development on the site has been established by the approval of a previous planning application in 2002 ref: N12197A/01. The residential element of the scheme will provide the financial resource to fund the construction of the new Market and in itself add to the vitality of the area in general.

Pedestrian access to the Market would be from Bruce Road, St Albans Road and Chipping Close. Access to the upper flats would be from two main entrances at ground floor level on Chipping Close. The basement car park would accommodate 21 residents' parking spaces and 6 traders spaces with access of Chipping Close. The basement will also provide much needed storage areas for traders. Four of the existing delivery vehicles will not be able to access the underground car parking area and it is proposed that these vehicles will load/unload in Bruce Road. The applicant has confirmed that the deliveries will be staggered. Turning movements have been provided showing that these larger vehicle can access and turn around within the public highway on Bruce Road. The applicant has also confirmed that Traders will not be

permitted to lease a Stall unless their deliveries can be carried out in the underground car parking area by the required size of vehicle. Parking permits will be provided to traders to allow them to use the car parking area. The Councils Highways section raised no objections to the proposal.

The Market Floor would provide up to three rows of stalls and two public corridors across its width. The two side rows would face into each of the corridors and the central row would be dual aspect. The St Albans Road elevation would be fully glazed allowing views into the Market floor. Natural daylight would be provided in the form of rooflights above the main entrances, sidelights along Chipping Close and open apertures along the north and south elevations of the proposed building.

In order to overcome overlooking of the nearest residential properties in Chipping Close, internal courtyards have been introduced together with windows that would be perpendicular to this elevation at first floor level. In addition the lower halves of the proposed bedroom windows to flats four and six at first floor level would be obscure glazed with high-level fanlight openings for ventilation. It should be noted that the plans were amended from the previous scheme in that the bedroom windows facing Chipping Close will now be half obscure glazed and the depth of the basement reduced.

Given the proximity of the nearest residential properties in Chipping Close, the north elevation would only be two storeys high with lowered eaves to reduce any visual impact or loss of light the proposal could have on the occupiers of properties facing this elevation.

The proposed building would be of traditional style comprising primarily brick elevations with stone detailing and decorative metal grilles and railings that is considered to be in keeping with the Victorian character of the surrounding area. A metal and glass canopy that would project above the pavement at first floor level would define the main entrance. At the junction of Chipping Close and St Albans Road the building has been softened with a curving façade and roofline and it is not considered that its overall bulk and mass would compromise the character or appearance of the surrounding area.

Concerning the relationship with the neighbouring properties, having regard to the relative positions, height and distances of the existing houses and the proposed building, it is not considered that the proposal would have any significant impact on the residential amenities of adjoining owners.

#### S106 Contributions

A Section 106 Agreement is required covering open spaces, education and highways contributions. The applicant has agreed contributions of £12000 for improvements of nearby open spaces and £17860 towards education provision in the Borough and £6000 for highways monitoring.

### **3. COMMENTS ON THE GROUNDS OF OBJECTIONS**

Generally addressed in the main report.

### **4. CONCLUSION**

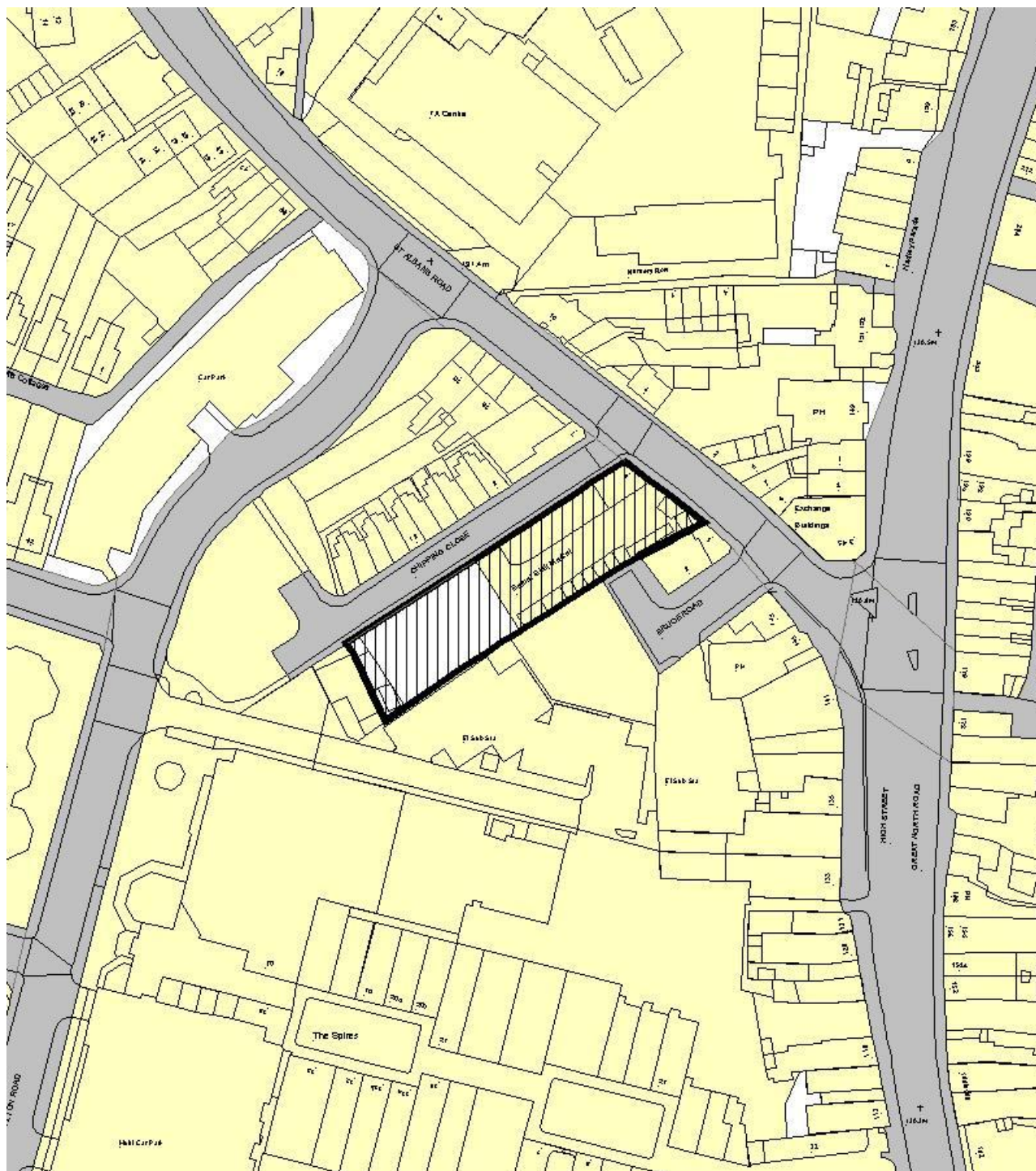
It is considered that the proposed development will provide an improved and much needed Market for Barnet that would add to the character, vitality and viability of the area. The overall layout and appearance and proposed new Market will on balance not be significantly harmful to the residential amenities of occupiers of surrounding properties. The proposal is therefore considered to be acceptable and recommended for approval.

**SITE LOCATION PLAN:**  
EN5 4LN

**Barnet Market Site, 5 St Albans Road, Barnet, Herts,**

**REFERENCE:**

**B/03642/10**



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**LOCATION:** 65-67 Oakleigh Park South, London, N20 9JL

**REFERENCE:** B/03174/10

**Received:** 30 July 2010

**Accepted:** 30 July 2010

**WARD(S):** Oakleigh

**Expiry:** 24 September 2010

**Final Revisions:**

**APPLICANT:** Mr J Gutteridge

**PROPOSAL:** Conversion of existing property into 5 self-contained residential units including rear landscape alterations, parking and associated amenities. Single storey rear extension.

**RECOMMENDATION:** Approve following completion of S106

**RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £9,145.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £695.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £5,586.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £771.30**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/03174/10 under delegated powers subject to the following conditions: -

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

Existing/001/GF, Existing/002/FF, Existing/003/SF, Existing/004/ELE, Proposed/005/GF, Proposed/006/FF, Proposed/007/SF, Proposed/008/ELE, Design Access Statement dated July 2010 (including site location plan), Bat Building Survey Report by Hone Ecology dated 27th June 2010, DEVELOPMENT SITE TREE REPORT by Barlett Consulting dated Monday 15th February 2010 (date received 30-Jul-2010);

Proposed/009/LO (date received 10-May-2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted is occupied the parking spaces shown on Drawing No Proposed/009/LO shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

4. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

5. The proposed floor plans as indicated on Drawing No's Proposed/005/GF, Proposed/006/FF and Proposed/007/SF shall be fully implemented, maintained and not altered in any manner whatsoever unless otherwise approved in writing by the Local Planning Authority.

Reason:

To safeguard residential amenity.

6. The enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins as indicated on Drawing No Proposed/009//LO shall be provided at the site before the development is occupied and maintained in perpetuity unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

7. The roof of the single storey rear 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

8. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

9. Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st September 2011 the Assistant Director of Planning and Development Management REFUSE the application ref: B/03174/10 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:  
Adopted Barnet Unitary Development Plan (2006):GSD, GParking, GBEnv1, D2, D5, D11, D12, D13, M11, M12, M13, M14, H16, H18, H23, H26, H27, CS2, CS8, IMP1, IMP2.

Core Strategy (Publication Stage) 2010: CS4, CS5

ii) The proposal is acceptable for the following reason(s): -

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general locality and would provide housing without adversely impacting upon the amenities of neighbouring occupiers. The proposal would provide sufficient parking and would not cause local parking stress or harm the free flow of traffic and would also allow for the retention of trees on the site including a number of protected trees with special amenity value. The proposal would be in accordance with the aforementioned policies.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards.
3. Any new or amended crossovers will be subject to detailed survey by the Crossover Team as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Directorate of Environment and Operations, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
4. The applicant advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular crossover.
5. Please note that if a bat roost is found during development works, a Natural England license in order to carry out work that would otherwise be unlawful.
6. The applicant should consider possible mitigation measures in line with the recommendations outlined in the Bat Building Survey Report by Hone Ecology dated June 2010.
7. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS9 - Biodiversity and Geological Conservation

## Community Infrastructure Levy Regulations 2010

### The Mayor's London Plan: Consultation draft replacement plan 2009:

Various including:

3A.2 - Borough housing targets

3D.14 - Biodiversity and nature conservation

4A.3 - Sustainable design and construction

4B.8 - Respect local context and communities

### Relevant Unitary Development Plan Policies:

GSD, GParking, GBEEnv1, D2, D5, D11, D12, D13, M11, M12, M13, M14, H16, H18, H23, H26, H27, CS2, CS8, IMP1, IMP2.

Three Strands Approach - Protect, Enhance and Growth

Supplementary Design Guidance - Extensions to Houses

Supplementary Design Guidance - Residential Conversions

Supplementary Planning Document - Sustainable Design and Construction

Supplementary Planning Document - Planning Obligations

Supplementary Planning Document - Contributions to Education

Supplementary Planning Document - Contributions to Libraries

Supplementary Planning Document - Contributions to Healthcare Facilities from Development

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CS4 - Providing quality homes and housing choice in Barnet

CS5 - Protecting and Enhancing Barnet's character to create high quality places

## Relevant Planning History:

Application site

**B/01287/10** Conversion of existing property into 5 self-contained residential units including front and rear landscape alterations, parking and associated amenities. Single storey rear extension. Withdrawn

**N11637** Three front dormers. Conditional Approval 19/02/1998.

4 Oakleigh Park South

**B/04195/10** Demolition of side and rear additions to the existing residential building and alterations and extensions including new dormer windows. Conversion of building into 6 self-contained residential flats with 7 off-street car parking spaces. Erection of 2 two storey plus rooms in the roofspace detached dwellinghouses with lower ground floor to house no. 1, with integral garages and off-street car parking spaces. Associated hard and soft landscaping and new vehicular accesses. Conditional Approval 23/12/2010

20 Oakleigh Park South

**N01179J** Conversion from four to eight flats, part single, part two-storey rear extension incorporating terrace, new porch at side, parking provision for eight cars and refuse enclosure at front and new front boundary wall. Formation of three new windows at ground. Conditional Approval 30/3/1983

## Consultations and Views Expressed:

Neighbours Consulted: 181  
Neighbours Wishing To 2  
Speak

Replies: 114

The objections raised may be summarised as follows:

1. Area is predominantly made up of large family houses with few flats
  - Ruin the character of the area
  - Adding more occupants will only make parking worse
  - Inappropriate
  - Believe that an environmental impact assessment needs to be carried out on this property
  - Developer has not stated the BREEAM rating
  - The financial contribution to the healthcare and library services has not been stated
  - Parking provision is inadequate
  - Will lead to an increase in conflicting movements and increase the risk or perceived risk to vulnerable road users
  - Noise levels will impact the enjoyment of neighbouring houses
  - Loss of privacy
  - Added pollution
  - The siting of fences, bins and car parking area will totally change the appearance and amenity in a very detrimental way
  - Neighbouring houses will feel much more enclosed and cramped
  - The potential nuisance from the development would extend to noise, dirt, vibration and danger
  - Would completely alter the character of the area
  - This development is totally out of keeping with the Oakleigh Park Estate which is an

interesting area of differently designed mix of single family houses

- Will create an eyesore as trees would be removed, driveway gradients altered and the refuse bins positioned at the front of the building
- Set an unfortunate precedent
- Road suffers from dangerous parking during the day
- Congestion
- Conversion of 18 Oakleigh Park South does not set a precedent
- Plan of the driveway is actually incorrect
- Oakleigh Park South is a rat run
- Overdevelopment of the site
- An example of such a change in a character is the Slades Hill and Waverly road area of Enfield where developers first started to convert large family homes
- Oakleigh Park is a unique example of an active and vibrant neighbourhood and it would be a great shame to erode this kind of community spirit which would result in losing its attraction for family residence
- Overlooking
- Increased resident population

Internal /Other Consultations:

- Oakleigh Pk Res Assoc -

Comments received can be summarised as follows:

- Why has the planning department sent out consultation letters over a bank holiday?
- What is the rationale for this procedure?
- Insufficient parking provision
- Safety issues with parking and free flow of traffic
  
- Traffic & Development -

The proposal is for alterations to existing dwelling and conversion to 5 2-bedroom residential units. A total of 5 off street parking spaces are proposed at the front of the property accessed via existing crossovers.

The parking provision is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006.

Refuse should be brought to the refuse collection area on collection days. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The proposed location of refuse collection point shown on submitted drawings is acceptable on highways grounds.

For any new crossovers a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works would be relocated at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

The applicant has submitted new information that the access to the car parking area will remain as existing. Although the proposed gradient is steeper than 1:10, as it is an existing established use, I have no objections on highways grounds.

- Environmental Health - No objections
- Natural England - See planning appraisal
- Friern Barnet and Whetstone Residents' Association -

Objections raised in respect of impact on character of the area, parking issues and principle of such a development being unacceptable

Date of Site Notice: 19 August 2010

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a large detached seven bedroom single family dwelling located on the southwestern side of Oakleigh Park South. The character of the area is residential with a variety of different housing styles. One prominent feature of the area is that the properties in the locality are large, occupying substantial plots. An abundance of mature trees and well landscaped front gardens contributes to the suburban nature of the area.

There are a number of trees at the front of the site which are covered under a Tree Preservation Order. These trees provide heavy screening which results in low visibility into the site. The property has two vehicle accesses with separate ingress and egress points. Part of the driveway is shared with neighbouring property No.63 Oakleigh Park South. There is also an existing single storey garage sited on the northwestern side of the site, close to the boundary with No.69 Oakleigh Park South.

The property has been previously extended by way of front dormers and has been vacant for over 10 years.

Levels rise from east to west which results in the property sitting above the road.

### Proposal:

This application seeks consent for the conversion of existing property into 5 no self contained residential units including rear landscape alterations, parking and associated amenities and single storey rear extension.

The proposed conversion would see the existing 7 bedroomed house converted in 5no 2bedroomed flats. The main entrance and hall will be retained as will the original staircase giving access to the first floor. 2no flats will be formed on both the ground and first floor levels of the building. The existing roofspace will also be converted into one unit. 5 parking spaces are proposed to the front of the site. Refuse bins are proposed to the side and rear of the property along the boundaries with both 63 and 69 Oakleigh Park South.

Communal amenity space has been proposed to the rear of the site.

During the course of the application, amendments were sought to address concerns relating to the potential loss of protected trees. Originally, the scheme included proposals to alter the levels of the driveway to lower the gradient. However it became evident that if this was to take place, it could result in damage to the protected trees to the front potentially resulting in their loss. As a result of this, the levels to the front of the site will not be changed and the existing tarmac finish is to remain unaltered to ensure protection of tree roots.

#### Planning Considerations:

#### **The principle of converting the single family dwelling into self contained units and the impact on the character and appearance of the area**

The conversion of existing dwellings into flats and apartments can make an important contribution to the provision of housing. Also conversions can make more effective use of urban land and promote sustainable development. However conversions can harm the amenity of neighbouring occupiers by reason of increase noise, disturbance and activity because they can normally involve an intensification of use. They can also adversely affect the appearance of street scenes through the provision of hardstanding in front gardens to form off-street parking and dustbin enclosures. The cumulative effect of conversions is that they can damage the quality of the environment and be detrimental to the character of an area. Flat conversions must therefore be situated in appropriate locations.

One predominant characteristic of the area is that it is largely comprised of single family dwellings. There are however a number of examples in the area of either property conversions or purpose built flatted developments. The principle of converting the subject property into flats is considered to be acceptable for the following reasons.

Firstly, whilst the predominant character of this area is single family homes, as already mentioned, there are already examples of either property conversions or purpose built flatted developments. No.18 and 20 appear to have been converted into flats and whilst there is no planning history relating to the subdivision of No.18, this does not mean it is not a material consideration. It is noted that they are further to the south along this road however there are also purpose built blocks of flats within 160m of this site, including 'Fairfield' and 'Park Court' to the north.

Secondly, this property is located on a well trafficked road which is also located close to Oakleigh Park Overground Station which is approximately 250m to the north. Due to the proximity of the station, it attracts on street parking and related pedestrian activity. Accordingly the comings and goings which may be generated as a result of converting this property into flats is not considered to alter the character of this road given the existing backdrop of daily activity in this part of the road. Given that this property has seven bedrooms, any potential increase in noise and disturbance from people entering and leaving the building or using the rear garden is not considered to be significantly different compared to that generated by a large family dwelling. Given the detached nature of the site, the proposal is not considered to result in additional noise and disturbance which would be particularly noticeable or detrimental to the neighbours amenities or the character and appearance of the area.

Thirdly, the conversion has been designed in such a way that it would not readily be noticeable from the street. The existing single front door entrance to the building is to be retained. The bins have been placed both to the side of the building, closest to the boundary

with 63 Oakleigh Park South where there is heavy vegetation providing screening and close to the boundary with 69 Oakleigh Park South with limited visibility from the road this in itself does not warrant refusal of the application. Whilst off-street parking is being provided, this is being done so on an existing driveway and therefore this conversion would not require the provision of further hardstanding. The established character of this part of the road is therefore not considered to be materially harmed or jeopardised by the conversion of this property into flats and would in turn provide housing in a sustainable location and make good use of a large vacant dwelling.

The proposed extension is considered to be in keeping with the style of the building and would be reflective of its character. This extension is not considered to have an adverse effect on the amenity of neighbouring occupiers and would accord with saved UDP policies D2 and H27.

### **Residential Amenity**

The level of amenity afforded to the future occupiers of these units and the occupiers of neighbouring properties is considered to be acceptable.

The room layout of the units is sufficient to ensure minimal noise and disturbance either side by side or above (in terms of stacking). A condition has been recommended in respect of sound insulation to ensure that any insulation which can be provided is at a suitable level. The size of the units is considered to accord with the requirements laid out in the Councils SPD - Sustainable Design and Construction and overall are considered to provide high quality accommodation.

Sufficient outlook and natural light is allowed as a result of the layout of the units in relation to the existing windows.

Policy H18 requires that new development provide adequate levels of amenity or garden space. This will help to protect and improve the quality of residential areas and maintain living standards. For flats, it could be provided communally around the building but must be usable. a minimum of 5 square metres per habitable room is required for flats. communal space to the rear with minimal alterations has been proposed which is considered appropriate given the character and appearance of the site and adjacent sites rather than to allow for the subdivision of the garden. All flats will have access to the communal amenity area. The two ground floor units would have direct access to the garden area however no concerns are raised in respect of privacy or overlooking. This type of relationship is found in many purpose built flatted developments and therefore this part of the proposal is not considered to be unacceptable or inappropriate.

It is therefore considered that the proposal would comply with saved UDP policies D5 and H23 as well as the Councils Design Guidance Note 7: Residential Conversions.

### **Parking**

Although the site is within walking distance to a train station, adequate parking is considered important in this location. Saved UDP policy M14 requires 1 to less than 1 space per unit for a flatted development. Spaces should be able to be accessed independently and the access to the site should be unobstructed.

The parking provision is considered to be acceptable and in accordance with the requirements laid out in Policy M14. Therefore this development is not considered to



increase any parking stress which may occur in the locality as a result of the nearby train station nor is it considered to cause conflicting movements on the highway or result in more accidents.

## **Trees and Landscaping**

There are a number of mature trees sited at the front of the site, covered under a Tree Preservation Order. These include a number of Lawson Cypresses and Scot Pines. These trees are considered to be of high amenity value and they do significantly contribute to the character of the site and the general frontage along this part of Oakleigh Park South. A full Tree Survey in accordance with BS5837:2005 was submitted as part of the application.

Originally when the application was submitted, part of the proposal included altering the levels of the driveway to the front. However during the course of the application, it became apparent that in lowering the levels would cause significant harm to the trees to the front. This element of the proposal has therefore been omitted and **no changes are proposed to the driveway.** The existing tarmac is to be retained as existing.

The Trees and Landscaping Team do not raise any objections with regards to the proposed conversion of the property into flats providing that the driveway is maintained as existing.

## **Bats**

As part of the previous application (reference B/01287/10), Natural England were consulted. The reason for this related to the possible potential for any bats or roosts given that the property had been vacant for some time. The comments received from Natural England during the previous application were as follows:

*After careful consideration of the information provided it is our opinion that this proposal does not affect any priority interest areas for Natural England, therefore we do not object to the proposal. However, if you are aware of any reason why Natural England should comment further on this application please let us know as soon as possible.*

*Although Natural England does not object to this proposal, we would recommend that a bat presence survey is undertaken on the property. The premises have been vacant for over ten years and there is a large covering of ivy on the building. It is possible for bats to use and access buildings through a variety of small openings and access points and it would be in the developer/owners best interest to undertake this survey and submit details to the Council prior to any formal planning decision being made.*

In light of these comments, a Bat Building Survey Report was submitted as part of the current application. From undertaking this survey it was found that no signs of bats were identified within the building and no bats were recorded emerging or entering the building. Furthermore no signs in the form of droppings, feeding remains or the bat themselves were found. However a number of common pipistrelle bats were recorded commuting across the site and feeding with the garden on site. It also appears that bats use the garden on site as part of their commuting and foraging route. It was concluded that whilst there was a significant amount of bat activity on site which suggests there is a roost near to the site although not on the site as all bats recorded were commuting and feeding across the site suggesting that whilst the sites garden is good for insects and bats it currently does not support a roost.

Comments received from Natural England based on this report are as follows:

*Thank you for consulting us with regards to the discharge of planning condition associated*

*with the above mentioned application. We have the following comments:*

*Although we are satisfied that an appropriate bat survey has been undertaken of the building, it is not clear whether nearby trees within the application site were also assessed. The council should be confident that trees scheduled to be affected by development works do not support bat roosts. This is especially important with regards to the trees located in the site garden which were identified as being used for commuting and foraging by bats. As such, we recommend that these trees should be retained within the development.*

*The survey states that a significant amount of bat activity was recorded at the site. Therefore, we recommend that the council secures the proposed recommendations (outlined in Section 5) through use of a planning condition.*

*Please note that if a bat roost is found during development works, a Natural England license in order to carry out work that would otherwise be unlawful.*

The trees on the site are to be retained. It is therefore considered that in light of the above comments and the recommendations proposed within the Bat Survey (addressed by an appropriately worded informative) this development would not have an adverse impact on bats.

### **Unilateral Undertaking**

This application is subject to a unilateral undertaking which will provide contributions towards education, libraries and healthcare facilities.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Mainly dealt with in the planning appraisal. However the following comments can be made:

- BREEAM does not apply in this case as this proposal is for the conversion of an existing domestic building.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

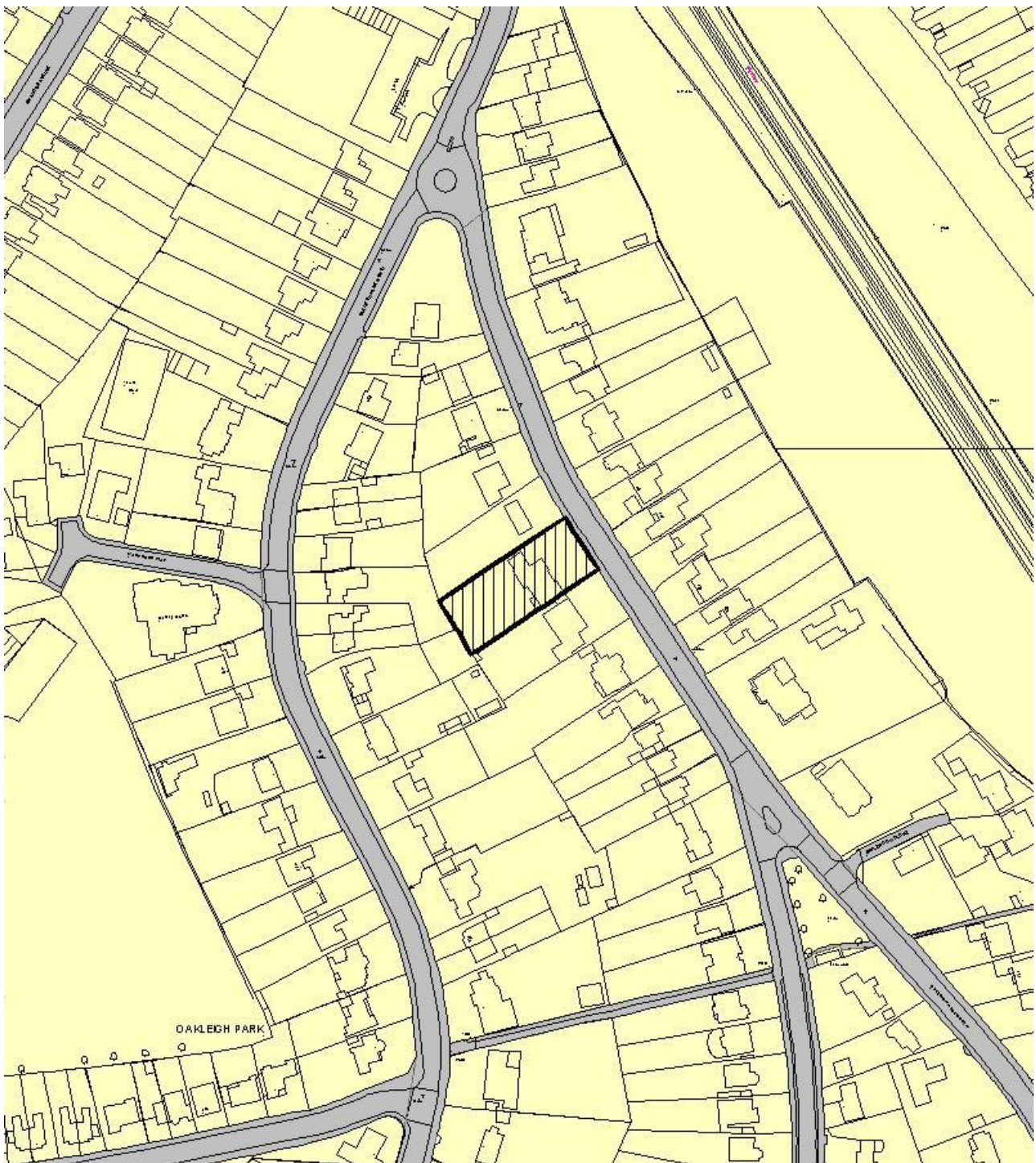
The proposed development would not significantly alter the character of the locality or detract from the appearance of the property itself. It would see the provision of high quality residential accommodation with a suitable degree of amenity. The proposal is not considered to have an adverse impact on the amenities of the neighbouring occupiers.

The levels of activity which may arise as a result of the proposed conversion are not considered to be significantly higher than the levels of activity which may arise as a result of occupation of the house by a single family. The development would see the retention of trees and adequate parking provision.

The development is considered to accord with council policies and guidance and is therefore recommended for approval, subject to conditions.

**SITE LOCATION PLAN: 65-67 Oakleigh Park South, London, N20 9JL**

**REFERENCE: B/03174/10**



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**LOCATION:** Whyte Lodge, Grange Avenue, London, N20 8AA

**REFERENCE:** B/01923/11

**Received:** 06 May 2011

**Accepted:** 06 May 2011

**WARD(S):** Totteridge

**Expiry:** 01 July 2011

**Final Revisions:**

**APPLICANT:** Mr A Mawany

**PROPOSAL:** Amendment to planning application reference N000735H/06 for the 'Demolition of part built structure with basement level and habitable room in roof space' dated 28-Sept-2007. Amendments include new front porch, single storey rear extension and changes to the design of the rooflights.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site location plan, design and access statement dated April 2011, photos of proposed rooflights, Drawing No's MA/01, MA/02, MA/03, MA/04 (date received 6-May-2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Grange Avenue from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

4. The single storey rear extension hereby approved shall be constructed using the following materials:

- Eternit Ashdowne Ashurst Clay
- Ibstock Ivanhoe Burnt Red Brick

Reason:

To ensure that the proposed extensions would be in keeping with the materials used in the construction of the main dwelling, safeguard the visual amenities of the locality and ensure a satisfactory appearance to the resultant development.

5. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

6. The roof of the single storey rear 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

7. Before the building hereby permitted is occupied the proposed window(s) in the flank elevation facing 'The Grange' 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

8. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority

The insertion of windows in flank elevation of the single storey rear extension hereby approved.

Reason:

To safeguard residential amenity.

9. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

10. All work comprised in the landscaping scheme approved as part of planning application reference B/00716/11 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.

Reason:

To ensure a satisfactory appearance to the development.

- 11 Any existing tree shown to be retained or trees or shrubs to be planted as part of the landscaping scheme approved as part of planning application reference B/00716/11 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C and D of Part 1 to Schedule 2 of that Order shall be carried out within the development hereby approved without the prior written permission of the Local Planning Authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

13. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (UDP) (2006).  
In particular the following policies are relevant:  
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D5, HC1, HC5, H16, H27,  
Supplementary Design Guidance Note 5: Extensions to Houses  
Totteridge Conservation Area Character Appraisal Statement

Core Strategy (Publication Stage) 2010:

Relevant policies: CS5

ii) The proposal is acceptable for the following reason(s): - The proposed amendments are considered to have an acceptable impact on the character and appearance of the new dwelling and would help to preserve this part of the Totteridge Conservation Area and would not have a harmful impact on the amenities of the occupiers of adjoining properties. The proposal would be in accordance with the aforementioned policies.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

PPS5 - Planning for the Historic Environment

### The Mayor's London Plan: Consultation draft replacement plan 2009:

Various

### Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, GBEnv4, D1, D2, D5, HC1, HC5, H16, H27.

Supplementary Design Guidance Note 5; Extensions to Houses

Totteridge Conservation Area Appraisal Statement

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.



## Relevant Core Strategy Policies:

CS5

## Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	B/00716/11
<b>Validated:</b>	18/02/2011	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	15/04/2011
<b>Summary:</b>	APPROVE	<b>Case Officer:</b>	Lisa Cheung
<b>Description:</b>	Submission of details of Conditions 8 (Landscaping scheme) and 13 (Means of enclosure) pursuant to planning reference N00735H/06 for the 'Demolition of part built structure. Construction of new bungalow detached structure with basement level and habitable room in roofspace' dated 28/09/2007.		
<b>Application:</b>	Planning	<b>Number:</b>	B/01857/10
<b>Validated:</b>	12/05/2010	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	07/07/2010
<b>Summary:</b>	REFUSE	<b>Case Officer:</b>	Lisa Cheung
<b>Description:</b>	Submission of details of conditions 3 (Windows - Details), 11 (Services in Relation to Trees) & 12 (Trees - Protective Fencing) pursuant to planning permission N00735H/06 dated 28/09/07.		
<b>Application:</b>	Planning	<b>Number:</b>	B/02412/10
<b>Validated:</b>	15/06/2010	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	02/08/2010
<b>Summary:</b>	APPROVE	<b>Case Officer:</b>	Lisa Cheung
<b>Description:</b>	Submission of details of part of condition 2 (Materials - roof tile and facing brick only) pursuant to planning permission N00735H/06 dated 28/09/07.		
<b>Application:</b>	Planning	<b>Number:</b>	B/03276/10
<b>Validated:</b>	09/08/2010	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	04/10/2010
<b>Summary:</b>	REFUSE	<b>Case Officer:</b>	Lisa Cheung
<b>Description:</b>	Submission of details of condition (16) (Environmental Standard-Residential), pursuant to planning permission (N00735H/06) dated (28 Sep 2007).		
<b>Application:</b>	Planning	<b>Number:</b>	B/03284/10
<b>Validated:</b>	09/08/2010	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	04/10/2010
<b>Summary:</b>	APPROVE	<b>Case Officer:</b>	Lisa Cheung
<b>Description:</b>	Submission of details of conditions (11) (Services in Relation to Trees), (3) (Windows - Details), pursuant to planning permission (B/01857/10) dated (7 July 2010), (N00735H/06) dated (28 Sep 2007).		
<b>Application:</b>	Planning	<b>Number:</b>	N/00735/B/04
<b>Validated:</b>	19/07/2004	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	14/09/2004
<b>Summary:</b>	APPROVED	<b>Case Officer:</b>	
<b>Description:</b>	Single storey rear extension. Construction of replacement roof with increased ridge-height and pitch.		
<b>Application:</b>	Planning	<b>Number:</b>	N/00735/D/04
<b>Validated:</b>	01/12/2004	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	07/01/2005
<b>Summary:</b>	APPROVED	<b>Case Officer:</b>	
<b>Description:</b>	Replacement of existing roofs and majority of existing walls and erection of single storey rear extension and new roof with increased ridge-height and pitch.		
<b>Application:</b>	Planning	<b>Number:</b>	N/00735/E/05
<b>Validated:</b>	12/04/2005	<b>Type:</b>	CON

**Status:** DEC  
**Summary:** APPROVE  
**Description:** Submission of details of materials pursuant to Condition 2 of planning permission N00635D/04 dated 06.01.05.

**Date:** 23/06/2005

**Case Officer:**

**Application:** Planning  
**Validated:** 13/10/2005  
**Status:** DEC  
**Summary:** APPROVED  
**Description:** Construction of a new bungalow with rooms in the roofspace.

**Number:** N/00735/F/05

**Type:** APF

**Date:** 09/12/2005

**Case Officer:**

**Application:** Planning  
**Validated:** 10/03/2006  
**Status:** DEC  
**Summary:** APPROVED  
**Description:** Construction of a new bungalow with rooms in the roofspace (variation to planning permission N00735F/05 to include rear conservatory and amended rooflights).

**Number:** N/00735/G/06

**Type:** APF

**Date:** 26/06/2006

**Case Officer:** Martin Westwood

**Application:** Planning  
**Validated:** 12/12/2006  
**Status:** DEC  
**Summary:** APPROVED  
**Description:** Demolition of part built structure. Construction of new bungalow detached structure with basement level and habitable room in roofspace.

**Number:** N/00735/H/06

**Type:** APF

**Date:** 28/09/2007

**Case Officer:** Martin Westwood

#### Consultations and Views Expressed:

Neighbours Consulted: 13  
Neighbours Wishing To  
Speak

Replies: 2

The objections raised may be summarised as follows:

- Development is much bigger and bulkier than the original building
- From the front, the building looks modest however the full bulk can be clearly seen from the rear of our garden and from side windows of neighbouring properties
- From certain positions the house is a substantial three storey house occupying a relatively small plot and appears disproportionate to the plot and surrounding buildings
- Proposed extensions will increase the impression of over development of the site
- Lack of sensitivity to the surroundings of this development and the contractors involved in constructing it
- Trees and shrubs screening Whyte Lodge have been grubbed up and so far have not been replaced
- This development is at the limit of its acceptable size for the plot and a further single storey rear extension would be inappropriate and would not conserve or enhance the Conservation Area.

#### Internal /Other Consultations:

**Urban Design and Heritage** - Given that the new dwelling has largely been constructed on site has been granted permission, no objections are raised to the modifications and extensions

**Totteridge Conservation Area Advisory Committee** - This development is already at the limit of its size for the site it occupies and no further enlargement should be allowed

Date of Site Notice: 19 May 2011

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site relates to a plot of land on the eastern side of Grange Avenue. This site consisted of a small single storey building. Planning permission was granted in 2007 under planning reference N00735H/06 for the demolition of a part built structure and construction of new bungalow detached structure with basement level and habitable room in roofspace.

The application site is within the Totteridge Conservation Area and is situated in close proximity to The Grange which is a Grade II Listed Building that has been converted into flats. To the north of the site is Gava, a modest bungalow which sits at an angle to the application site. The general area consists of a variety of different housing types and styles however most properties are substantial and located in generous plots.

Works have been underway on site for some time (implementation of N000735H/06) and the property has been largely constructed.

### Proposal:

This application seeks consent amendments to the previous approval. These amendments include the following:

- Single storey rear extension
- Changes to the design of the rooflights
- New front porch

Aside from these amendments, the new dwelling remains the same as that approved under reference N000735H/06 and therefore this application will assess the proposed changes.

The single storey rear extension would extend from the side/rear wall of the new dwelling closest to the boundary with neighbouring property Gava. It would be 2.74m deep and 3.6m wide with a flat roof. It would be at ground floor level and would have the same detailing as what would have been in this elevation should the extension not be built; that is french doors with railings across.

The proposed porch would be larger than that approved and would measure 1.4m deep, 5.4m high with a pitched roof and 4.2m wide. The increase above that approved relates to the depth which has been increased by 0.65m and the pillar detailing is to be moved further out, thus increasing the width of the opening.

Within the approved scheme, two rooflights were proposed. Within this scheme, a number of minor changes are proposed including a slight lowering of the rooflights, and removal of clay tiled gable end elevations. The rooflights however will be constructed of white powder coated aluminium as previously approved.

The proposed amendments to the porch and the revised rooflights have been implemented on site.

### Planning Considerations:

The proposed amendments are considered to be acceptable. Whilst the property would be increasing by way of the single storey rear extension, the size of the extension is relatively

modest and is not considered to be a significant increase over and above the dwelling which was approved in 2007. There would be limited visibility of the extension from the street scene and therefore the appearance of the property and its setting within the street is not considered to significantly change as a result of this addition.

The changes to the rooflights are also considered to be acceptable. Given that they would be lowered, the visual impact of the rooflights would be reduced and the removal of the clay tiled gable end elevations is not considered to materially impact the overall appearance of the dwelling.

The enlargement of the porch is considered to have an acceptable impact on the appearance of the dwelling and the character of the area. The increase above that approved is not considered to be excessive or warrant refusal of this application.

Whilst the extension would be close to the boundary to Gava, there is an existing shed on the neighbouring site in a similar position to where the extension would be sited and no windows in the side elevation of Gava opposite where the extension would be. It is considered that the single storey rear extension would have a minimal impact on the amenities of the occupiers of Gava. The single storey rear extension is not considered to have a harmful impact on the residential amenities of the occupiers of The Grange given the location of the extension. The changes to the porch and rooflights will not have an adverse impact on residential amenity.

Overall the proposed amendments to the approved scheme are considered to help preserve this part of the Conservation Area and the proposed amendments to the approved plans would also not harm the character and appearance of the replacement house.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Mainly dealt with in the planning appraisal however the following comments can be made:

- Issues relating to the construction process are not material planning considerations
- Details of a landscaping scheme has been approved under planning reference B/00716/11. This should be implemented prior to the occupation of the new dwelling

### **4. EQUALITIES AND DIVERSITY ISSUES**

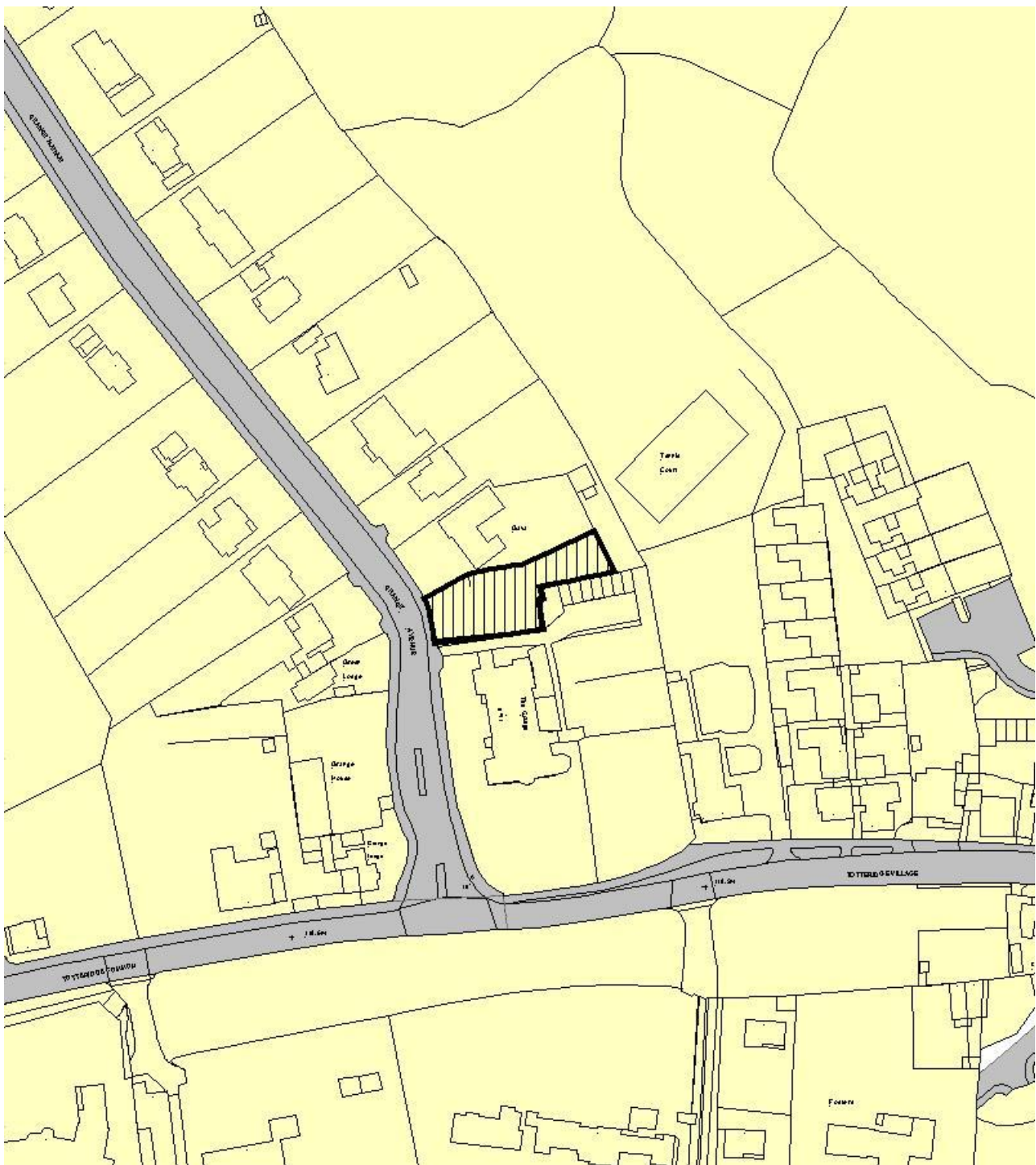
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

This application is recommended for approval, subject to conditions.

**SITE LOCATION PLAN: Whyte Lodge, Grange Avenue, London, N20 8AA**

**REFERENCE: B/01923/11**



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**LOCATION:** Land At Rear Of, 10-20 Holden Road, London, N12 8HT

**REFERENCE:** B/02086/11

**Received:** 17 May 2011

**Accepted:** 19 May 2011

**WARD(S):** Totteridge

**Expiry:** 14 July 2011

**Final Revisions:**

**APPLICANT:** Woodside Park Homes

**PROPOSAL:** Variation to development in course of completion for (Erection of 7no. three bed houses), Ref (N08421D/02) dated (5th December 2003), in respect of installation to of (Providing rooms within the lofts of the existing newly built house (7no.) with dormers to the rear (one dormer per each house).

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
1318.P.01, 1318.P.02, 1318.P.03, 1318.P.04, 1318.P.05, 1318.P.06 and Design & Access Statement (received 17/05/2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the buildings hereby permitted shall not be extended in any manner whatsoever without the prior specific permission of the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

4. The materials used for the external surfaces of the building(s) and hard surfaced areas shall be in accordance with details that were approved in writing on 27/07/2004 under reference number N08421G/04 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the visual amenities of the locality.

5. Details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be in accordance with details that were approved in writing on the 31/03/2004 under reference number N08421E/04 unless otherwise agreed in writing by the Local

Planning Authority.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

- 6 The temporary tree protection agreed 22/07/2004 under application reference no.N08421F/04 shall remain erected around existing tree(s) in accordance with the approved details. 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.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

7. The permitted points of access shall be in accordance with details that were approved in writing on 31/03/2004 under reference number N08421E/04 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

8. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 1318.P.01 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

9. The access and manoeuvring areas shall be in accordance with details that were approved in writing on 31/03/2004 under reference number N08421E/04 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the visual amenities of the locality.

10. Details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, shall be in accordance with details approved under reference number N08421E/04 on 31/03/2004 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

11. Before any air conditioning or any other plant is used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

12. The hard and soft landscaping on site shall be in accordance with details approved on 22/07/2004 under reference number N08421F/04 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory appearance to the development.

13. 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.

Reason:

To ensure a satisfactory appearance to the development.

14. 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.

15. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

16. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.



## **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following polices are relevant:  
Adopted Barnet Unitary Development Plan (2006): GBEnv1, D1, D2, D5 and H27.  
Core Strategy (Publication Stage) 2010: CS5
  - ii) The proposal is acceptable for the following reason(s): -  
The proposed dormer windows are considered to have an acceptable impact on the character and appearance of the site and locality. The dormer windows will not harm neighbouring residential amenity and will not lead to an unacceptable level of overlooking. The dormers are not considered to represent a disproportionate addition to the new development and as a result are not considered to represent overdevelopment of the site.
2. The Applicant is advised that Condition 3 (Site Investigation) of the previous permission has not been discharged. This application only considers the construction of dormer windows on this site, not the principle of the development. This condition therefore remains outstanding.

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Guidance/ Statements:

PPS1: Delivering Sustainable Development

#### The Mayor's London Plan: Consultation draft replacement plan 2009:

Various including Table 3.2 and preamble to this table

#### Relevant Unitary Development Plan Policies:

GBEnv1, D1, D2, D5 and H27

Council Design Guidance Note No.5: Extensions to Houses

#### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and

land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS5

Relevant Planning History:

N08421G/04 - Submission of details of materials pursuant to Condition 4 of planning permission N08421D/02 for 7no. new houses granted 04.12.03 (variation to Condition 4 of conditions approval N08421E/04 granted 31.03.04). Approved 27/07/2004.

N08421F/04 - Submission of details of protective fencing and landscaping pursuant to conditions 6 and 12 of planning permission N08421D/02 for 7no. new houses granted 04.12.03. Approved 22/07/2004.

N08421E/04- Submission of details of materials, levels, site enclosure, access and refuse storage pursuant to Conditions 4, 5, 7, 9 and 10 of planning permission N08421D/02 for 7no. new houses granted 04.12.03. Approved 31/03/2004.

N08421D/02- Erection of 7no. three bed houses. Approve subject to s106 04/12/2003.

B/00848/11- Variation to development in cause of completion for (Erection of 7no. three bed houses), Ref (N08421D/02) dated (5th December 2003), in respect of installation to of (Providing rooms within the lofts of the existing newly built houses (7no.) with dormers to the rear (one dormer per each house). Withdrawn 19/05/2011.

Consultations and Views Expressed:

Neighbours Consulted: 212

Replies: 9 objections

6 letters of support

Neighbours Wishing To 2  
Speak

The objections raised may be summarised as follows:

- Application should be refused on the following grounds:
  - (i) The proposed development, by reason of its design, the over-development of the site, the intensity of use, compromising public safety and not harmonising with, relating to and respecting the character of the area would detract from the character and appearance of the surrounding area and impact detrimentally on the residential amenity of existing and future occupiers of neighbouring properties, contrary to Policies GBEnv1, GBEnv2, D2, D4, D6, and H16 of the Adopted Unitary Development Plan (2006) and the London Plan (Consolidated with Alterations since 2004) February 2008, the Draft Replacement London Plan (October 2009) the London Mayor's Interim Housing Supplementary Planning Guidance (April 2010) and Planning Policy

## Statement 1

- (ii) The application does not include a formal undertaking to exempt future residents from purchasing residents parking permits for parking in the North Finchley Controlled Parking Zone, and without such an undertaking, the development would result in overspill parking on the public highway, which would be detrimental to highway and pedestrian safety and the free flow of traffic, contrary to Policies GParking and M14 of the London Borough of Barnet Adopted Barnet Unitary Development Plan (2006)
- (iii) The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, open space, health and social care facilities and associated monitoring costs arising as a result of the proposed development and would therefore not address the impacts of the development, contrary to London Borough of Barnet Supplementary Planning Documents – Contributions to Education (2008), Libraries (20087), Health (2009), Open Space (UDP Policy H20) and Monitoring (2007) and Policies CS2, CS8, CS13, H20, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006)
- The proposal represents overdevelopment of the site. Conditions attached restricted further extensions to the new houses to safeguard the character of the locality and neighbouring amenity
  - Extending the houses which can accommodate five persons will increase the potential occupation of each house to seven persons. This will increase the overall development from 35 persons to 49 persons, a 40% increase
  - The number of habitable rooms in the development will be increased from 35 to 42, a 20% increase
  - This is a landlocked site which is restricted. Access points are dangerous
  - Higher density housing and a more intensive use would prejudice the character of the locality and residential amenity
  - Concerns regarding noise, disturbance and activity
  - Egreses from Holden Road is difficult and visibility is poor
  - More intensive use of the site will worsen this and compromise public safety
  - TfL state that this area has a Public Transport Accessibility Level (PTAL) of 2 which is low within it's scale. The London Plan gives a Suburban setting density range of 150 habitable rooms per hectare for a PTAL rating of 2, rising to 250 per hectare for a level 3. Base on the site area, the appropriate suburban setting density range would be 27 habitable rooms per hectare, the proposed development of 42 habitable rooms would be excessive, close to a density appropriate to an area with a PTAL rating of 3
  - Insufficient parking is proposed and the development would result in overspill parking
  - Future residents should not be allowed to purchase parking permits
  - More occupants mean that greater financial contributions should be sought
  - Open space contributions should be sought as the area has an open space deficiency
  - Developer does not have complete rights to use the access road from Gainsborough Road through Finchley Lodge
  - Constrained access
  - Shared surface has no pedestrian refuge points and doesn't allow for vehicles to pass each other
  - Traffic movements will affect highway and pedestrian safety
  - Development is contrary to policies GBEnv2, GBEnv3, D1, D2 and D4
  - Certificate B has not been signed appropriately
  - Concerns regarding overlooking

- Dormers will be intrusive to neighbours
- Works have already commenced
- Concerns regarding privacy
- Loss of trees.

Letters in support state:

- We approve of dormer windows and large family homes in the area
- There are too many flats in the area, we consider large family dwellings to be favourable.

Internal /Other Consultations:

- Traffic & Development -

The proposal is for variation to approved development Ref N08421D/02 for erection of 7 x 3 bedroom houses. The variation is for including rooms in the loft to provide one additional bedroom for each house. A total of 13 off street parking spaces will be maintained.

The parking provision is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006.

Date of Site Notice: 02 June 2011

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site relates to seven newly constructed houses situated to the rear of 10-20 Holden Road. The properties were given planning permission back in December 2003 and comprise of two pairs of semi-detached properties and one row of three terraced properties.

The site is a typical backland development plot, served by two access roads, one to the east, adjacent to Finchley Lodge and one to the south, between No.20 and No.22 Holden Road. The site is bound by residential properties including Finchley Lodge to the east, properties on Holden Road to the south and Grenville Lodge to the north. Parking serving Beecholme sits adjacent to the site over to the west.

Proposal:

Planning permission is sought to construct dormer windows in each of the rear roofslopes of the new properties. The dormer windows will provide new accommodation within the lofts of the existing houses, providing an additional bedroom.

The dormer windows will be of the same size, 1.3m in height, 2.1m in width, projecting 1.6m from the roof of each dwelling. The dormer windows will face northwards, set a minimum of 10.5m from the shared boundary to the north.

Planning Considerations:

Planning permission has already been granted for the construction of the seven properties and this permission has been implemented.

This application only considers the construction of the dormer windows and does not consider the development as a whole, access to the development, the layout of the development nor the design, height and style of the new properties.

Overall the design, size and siting of the dormer windows is considered acceptable. Council Design Guidance Note No.5 states that dormer windows should generally be half the height and half the width of the roofslope to ensure they appear subordinate, and this design guidance has been adhered to. As a result, the dormers are considered to have an acceptable impact on the character and appearance of the host properties.

The dormer windows are not considered to give rise to an unacceptable level of overlooking. The dormers face north, towards Greville Lodge which is positioned some 40m away from the rear boundary. A further distance of 10.5m is retained from the dormer windows to this rear boundary and this is considered acceptable. Other residential properties adjacent will not be readily visible from the dormers due to the position of the dormers in the roof facing northwards.

Concern has been raised by objectors that the development will result in overdevelopment of the site. Whilst this concern is noted, the dormer windows are considered to represent an acceptable and proportionate increase to the dwellings. It is also noted that a condition was attached to remove permitted development rights of the dwellings when they were approved in 2003, however, this condition was attached to 'ensure that the development did not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties'. This gives the Local Planning Authority control over any development, enabling full consideration any proposed extensions to the scheme and the impact they would have on neighbouring amenity and the character of the area. In this instance, as explained above, the dormer windows are considered to have an acceptable impact on the character of the locality nor the residential amenities of neighbours.

Whilst it is noted that additional bedspaces will be provided in the new houses the increase is not considered disproportionate and not considered to intensify the use of the site to such a degree as to warrant a refusal on these grounds.

The Council's Highways Team has been consulted as part of the application and are satisfied that the provision of 13 off street parking spaces is acceptable, according with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006. Highways raise no objection to the proposed development. Highways do not consider that the addition of another bedroom in the roofspace will generate such an increase in occupation as to compromise highway and pedestrian safety to a degree that would warrant a refusal of the planning permission on highway grounds.

Objectors also refer to the Public Transport Accessibility Level (PTAL) of the area and how this should reflect the habitable rooms per hectare density of the area. Whilst density is crucial to releasing the optimum potential of sites, the pre-amble to the PTAL table in the new draft London Plan states that density is 'only the start of planning housing development, not the end' and that 'it is not appropriate to apply the ratings mechanistically'. Density ranges are broad and the justification of this is to enable account to be taken of other factors relevant to optimising potential including local context, design, transport capacity. When considering this application, Officer's consider that the density proposed is acceptable and the dormer windows proposed will not result in an inappropriate density on this suburban site.

With regard to contributions, this application is only for the construction of dormer windows and therefore it is not considered necessary to seek additional contributions over and above what has already been collected through the section 106 agreement. The application is not for new residential development on this site, only for householder extensions, similar to others around the borough.

Similarly, a section 106 agreement to restrict future occupiers from purchasing parking permits is not considered necessary as a result of this development. This has not been recommended by colleagues in Highways.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Mainly addressed in the appraisal.

Rights of way, rights of access and ownership disputes are not material planning considerations.

### **4. EQUALITIES AND DIVERSITY ISSUES**

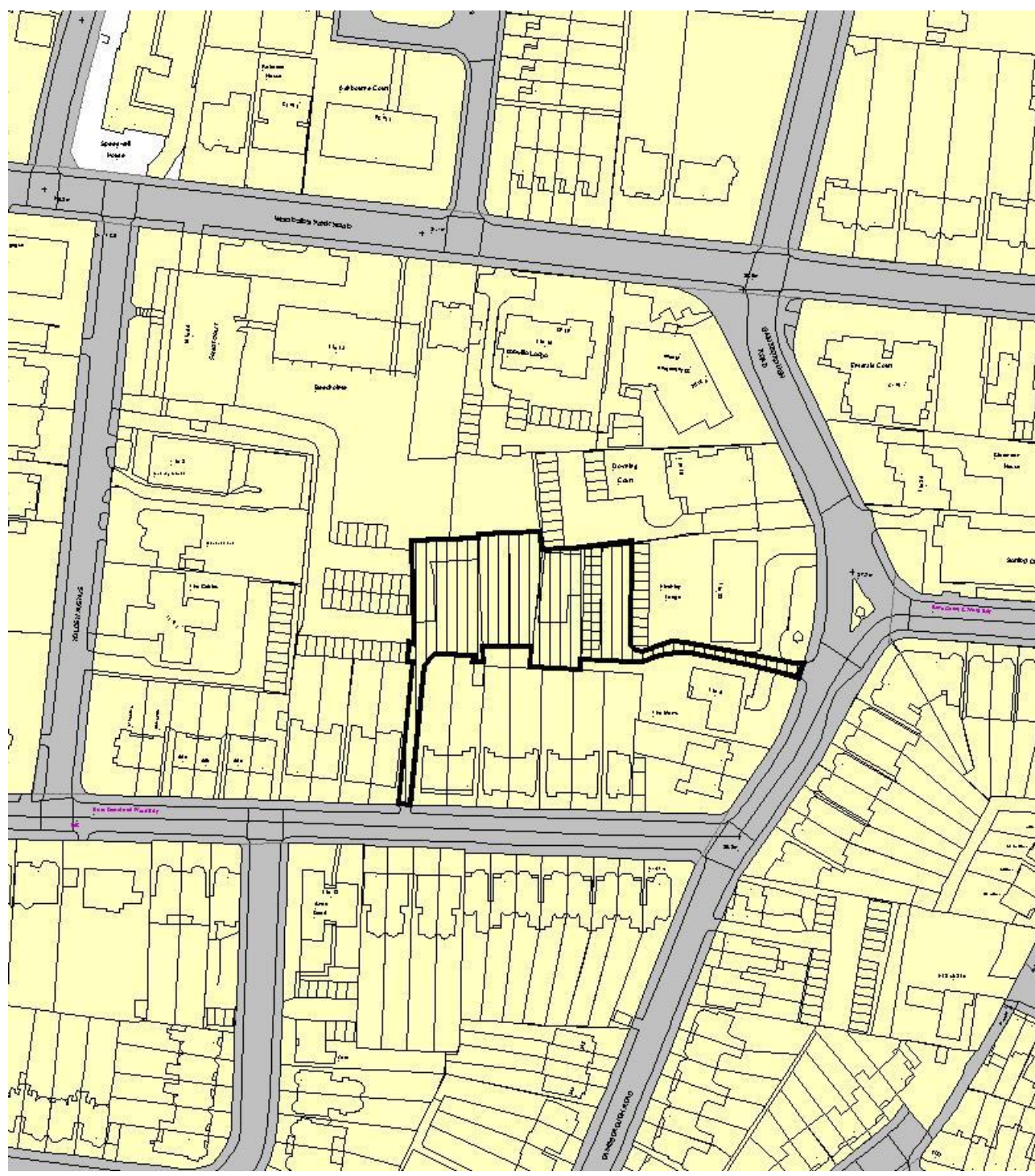
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The dormer windows are considered to have an acceptable impact on the character and appearance of the site and the residential amenities of neighbouring occupiers. The dormers are considered to be of an appropriate size, siting and design and are not considered to compromise highway and pedestrian safety. Overall the development is considered to respect the constraints of the site. Approval is therefore recommended.

**SITE LOCATION PLAN:** Land At Rear Of, 10-20 Holden Road, London, N12 8HT

**REFERENCE:** B/02086/11



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**LOCATION:** 53A Ridgeview Road, London, N20 0HG (Land between 51 & 53)  
**REFERENCE:** B/02213/11  
**WARD(S):** Totteridge

**Received:** 23 May 2011  
**Accepted:** 31 May 2011  
**Expiry:** 26 July 2011

**Final Revisions:**

**APPLICANT:** Mr M Doukaki

**PROPOSAL:** Erection of a two storey dwelling house plus associated rear dormer to accommodate rooms in roofspace.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
1280 OS, 1280.P.100, 1280.P.101, 1280.P.102 and Design & Access Statement (received 23/05/2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 1280.P.101 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

4. Details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be in accordance with details shown on plan no.'s 1280 OS, 1280.P.100, 1280.P.101 and 1280.P.102 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

5. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.



Reason:

To safeguard the visual amenities of the locality.

6. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

7. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E and F of Part 1 to Schedule 2 of that Order shall be carried out on the development hereby approved without the prior written permission of the Local Planning Authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

9. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

10. No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

11. Before the building hereby permitted is occupied the proposed window(s) in the side elevation facing No.51 Ridgeview Road 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, D1, D2, D5, GParking, GH1, H16, H17, H18, M11, M12, M14, H17, H18, CS2, CS8, IMP1 and IMP2.

Core Strategy (Publication Stage) 2010:CS4 and CS5.

ii) The proposal is acceptable for the following reason(s): -

The proposed dwelling is considered to harmonise with the character of the area and is not considered to cause significant harm to the amenities of neighbouring occupiers. The proposal accords with the aforementioned policies.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/ Statements:

Planning Policy Statement 1 (PPS1) - Delivering sustainable development.

### The Mayor's London Plan (consolidated with alterations since 2004):

Policy 4B.8 - Respect Local Context and Communities.

### Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, D1, D2, D5, GParking, GH1, H16, H17, H18, M11, M12, M14, H17, H18, CS2, CS8, IMP1 and IMP2.

Supplementary Planning Document: Planning Obligations; Supplementary Planning Document: Contributions to Education, Supplementary Planning Document: Health Facilities and Supplementary Planning Document: Contributions to Libraries; Supplementary Planning Document: Sustainable Design and Construction.

## Core Strategy (Publication Stage) 2010:

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CS4 and CS5.

### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	B/03297/09
<b>Validated:</b>	11/09/2009	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	06/01/2010
<b>Summary:</b>	APC	<b>Case Officer:</b>	Fiona Dinsey
<b>Description:</b>	Demolition of existing garage and erection of a two storey side extension to form a new self-contained dwelling.		

### Consultations and Views Expressed:

Neighbours Consulted: 24

Replies: 3 when writing the report, any further responses will be reported at the meeting.

Neighbours Wishing To 1  
Speak

The objections raised may be summarised as follows:

- Loss of sunlight
- Loss of a fir tree which was understood during the last application to be retained
- The previous planning permission from last year stipulated the retention of a tree in the garden – to conserve nature and greenery. This has now been cut down – contravening the terms of the previous planning approval process
- Inappropriate development for the area
- Lack of space between the dwellings

- Out of scale
- Squashed in appearance
- Unsuitable space for development
- Unattractive
- Unsuitable
- Design is inappropriate
- Health and safety issues with regard to traffic congestion
- Poor visibility
- No parking for existing residents
- Added pressure on limited parking available
- Noise and disturbance
- Economic impact on residents - property values will be reduced
- Dust and noise implications
- Negative impact on the environment
- Since works started this year there has been an overflow of cars, construction workers and vans which cause congestion.
- Dust and construction materials are affecting the cleanliness of neighbouring houses and cars
- Loss of views to neighbours

Internal /Other Consultations:

- Traffic & Development -

The parking provision for the new house is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006. The proposal will result in loss of parking for the existing house at No 53. Site observations show available on street parking spaces in the vicinity of the site. Therefore the proposal at this location is considered acceptable on highways grounds.

Date of Site Notice: 09 June 2011

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is on the western side of Ridgeview Road and is currently occupied by the single storey garages which are attached to the two neighbouring two storey houses at 51 and 53 Ridgeview Road.

The character of the area is predominately residential comprising a variety detached, semi-detached and terraced houses. No.51 is a semi detached house and No.53 is an end of terrace property.

Proposal:

The application involves the demolition of the existing garages of No.51 and No.53 Ridgeview Road and the erection of an attached 2-storey single dwelling house.

The dwelling will comprise of three bedrooms. The width of the dwelling is proposed at

5.95m. The depth is proposed at 9.15m over two storeys with a front bay window feature and small 0.9m rearward projection.

The overall height reaches 9.5m from ground level. The proposed roof is gabled to match the adjacent terraced dwellings. A dormer window is proposed to the rear roofslope. This has a height of 1.7m and a width of 2.5m. The dormer projects 2.4m from the roofslope.

Two parking spaces are proposed to the front.

The application follows a previous application for a new house on this site which was approved by the Chipping Barnet Area Sub-Committee on 05/01/2010.

The only change proposed when comparing this application with that previously approved is that the width of the house is proposed to be increased from 4.95m to 5.95m, reducing the gap between the new property and No.51 from 2.2m to 1.2m

#### Planning Considerations:

New housing schemes should have a high quality of design and in terms of scale, style and layout be well integrated with existing patterns of development. Policy H16 states that new residential developments should harmonise and respect the character of the area within which they are to be situated.

The principle of developing this plot of land adjacent to No.53 has already been established and is considered to be acceptable. It would not have an adverse impact on the character of the area given the existing density and spacing along this part of Ridgeview Road. Considering the existing terrace adjacent to the application site, the dwelling is considered to be in keeping.

Minimal harm is considered to arise on the occupiers of No.51 as a result of the development. Due to the size and location of the proposal and its distance from the boundary, the proposed new dwelling is not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overbearing, loss of light or loss of outlook.

The impact on No.53 is also considered to be acceptable as no windows exist to the side of this dwelling and the existing two storey depth of the proposed dwelling reflects that at No.53.

Windows have been proposed at 2-storeys on the rear elevation, and in the rear dormer window. However, these are not considered to have a detrimental impact on the amenities of the neighbouring occupiers in terms of overlooking or loss of privacy.

Windows have been proposed on the side elevation of the dwelling facing No.51. However, an obscure glazed window condition has been suggested to ensure that these windows do not have a detrimental impact on the amenities of the neighbouring occupiers in terms of overlooking or loss of privacy.

Under Policy H18 of the UDP, the Council requires that proposals for new residential schemes provide 55 square metres of amenity space for 5 habitable rooms. This is to help protect and improve the quality of residential areas and maintain living standards. The proposed dwelling would have 5 habitable rooms and, given the depth of the rear gardens of properties along Ridgeview Road, is considered to have sufficient amenity space.

2 off street parking spaces are proposed to the front of the new dwelling, however, there will be a loss of parking for the adjacent properties as the existing garages will be replaced with the new dwelling. The Highways Team have assessed the application and considered the parking provision to be in accordance with the parking standards set out in the London Borough of Barnet Adopted Unitary Development Plan 2006. Highways have recommended approval.

The character and appearance of the proposed dwelling is considered to be in keeping with the character and appearance of the adjoining properties and the general streetscene. The incorporation of a gabled ended roof and front porch canopy is also considered to be in keeping with the appearance of the neighbouring properties and therefore the appearance of the streetscene is respected and maintained.

With regard to the increase in width, the spacing between the properties is still considered to be acceptable. Other examples of terraced properties which are closer than 2m to their adjacent neighbour can be seen within the street, so whilst the spacing is reduced, it will remain in character with the established streetscene.

Overall the construction of a new dwelling is not considered to have a detrimental impact on the residential or visual amenities of neighbouring occupiers.

The applicant has not indicated willingness to enter into a formal undertaking to provide the appropriate education and library contributions to meet the demand which will arise as a result of the development. A condition has therefore been imposed to ensure that the appropriate education and library contributions are made.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Mainly addressed in the appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

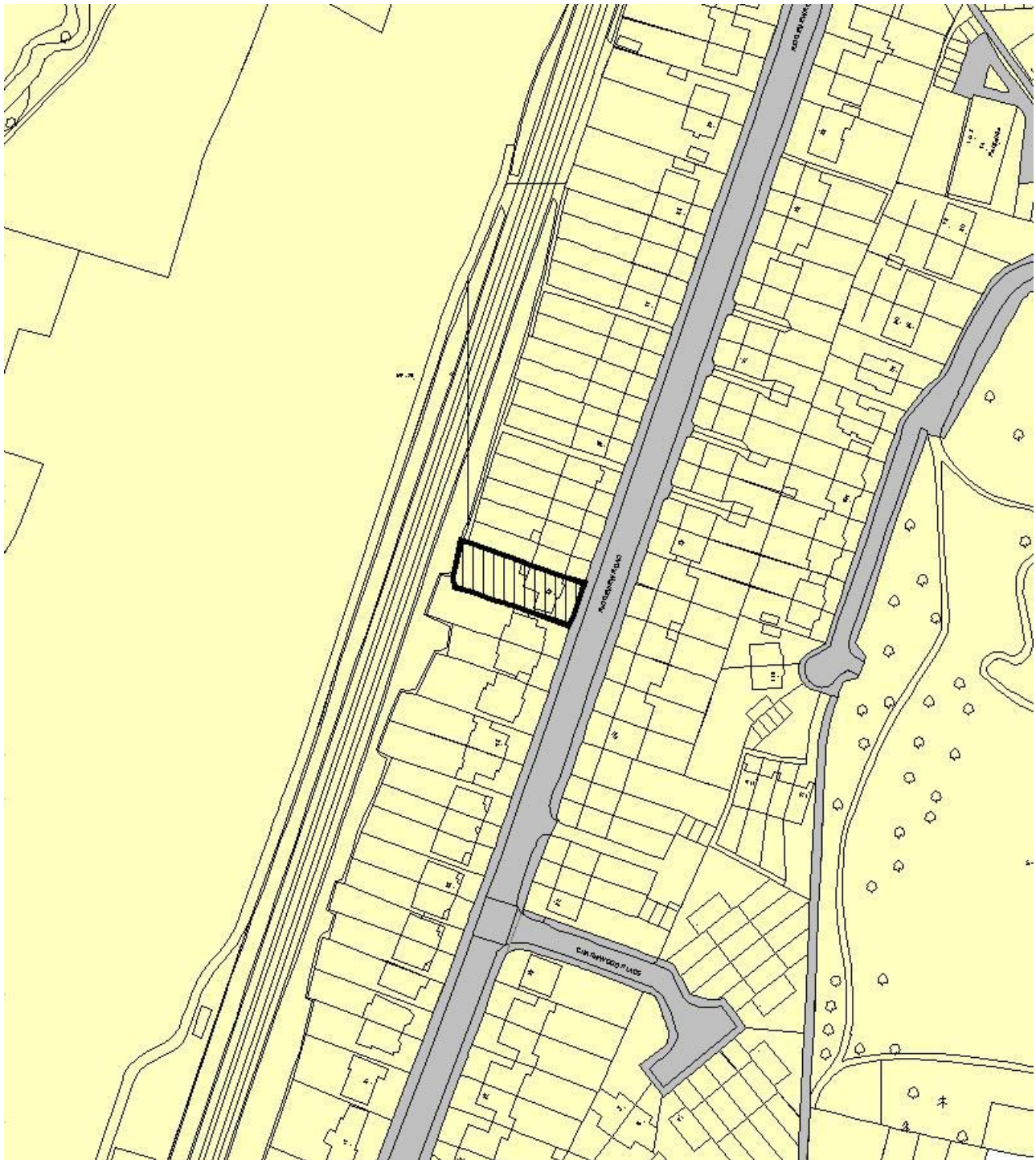
Overall, the spacing between the application property and the neighbouring property is considered to be sufficient, particularly considering the existing spacing of properties along this part of Ridgeview Road. No objection is raised to the proposed increase in width and approval is recommended, subject to conditions.

**SITE LOCATION PLAN:**  
51 & 53)

**53A Ridgeview Road, London, N20 0HG (Land between**

**REFERENCE:**

**B/02213/11**



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**LOCATION:** 4 Hammond Close, Barnet, Herts, EN5 2EQ

**REFERENCE:** B/01233/11

**Received:** 24 March 2011

**Accepted:** 24 March 2011

**WARD(S):** Underhill

**Expiry:** 19 May 2011

**Final Revisions:**

**APPLICANT:** Medline DevelopmentsLtd

**PROPOSAL:** Erection of a new two-storey building to provide two-self-contained flats adjacent to 4 Hammond Close, following demolition of garage. Allocated parking and landscape to front elevation.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (Received 24.03.2011); Drawing No. SK01 (Received 24.03.2011); Design and Access Statement (Received 24.03.2011).

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

5. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.



Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

6. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

7. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

8. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

9. 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.

Reason:

To ensure a satisfactory appearance to the development.

10. 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.

11. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

12. Before the building hereby permitted is occupied the proposed windows in the flank elevations 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

13. Before the development hereby permitted is occupied the parking spaces/garages shown on Drawing No. SK01 (Received 24.03.2011) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

14. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

15. No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity.

16. No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

## **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:  
Policies GSD, GBEnv1, GBEnv2, GParking, D1, D2, D5, H16, H17, H18, M11, M12 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006; Planning Policy Statement 1 (PPS1) - Delivering sustainable development; Policy 4B.8 of The Mayor's London Plan and Supplementary Planning Document: Sustainable Design and Construction.  
Core Strategy (Publication Stage) 2010:  
Relevant policies - CS5.
  - ii) The proposal is acceptable for the following reason(s): -  
The proposed development is considered to be an acceptable and appropriate form of development which harmonises well with existing and neighbouring development, maintaining the appearance and character of the street scene. It is not considered to have an adverse impact on the amenities of the neighbouring occupiers and is in accordance with the aforementioned policies.
- 2 Any alteration to the existing crossovers or new crossovers will be subject to detailed survey as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Guidance/ Statements:

Planning Policy Statement 1 (PPS1) - Delivering sustainable development.

#### The Mayor's London Plan (consolidated with alterations since 2004):

Policy 4B.8 - Respect Local Context and Communities.

Relevant Unitary Development Plan Policies: GSD, GBEnv1, GBEnv2, GParking, D1, D2, D5, H16, H17, H18, M11, M12, M14, CS2, CS8, CS13, IMP1 and IMP2. Supplementary Planning Document: Planning Obligations; Supplementary Planning Document: Contributions to Education; Supplementary Planning Document: Health Facilities; Supplementary Planning Document: Contributions to Libraries; and Supplementary Planning Document: Sustainable Design and Construction.

#### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:  
CS5.

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	B/03177/10
<b>Validated:</b>	30/07/2010	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	24/09/2010
<b>Summary:</b>	APC	<b>Case Officer:</b>	Mary Kearns
<b>Description:</b>	Extension to the time limit for implementing planning permission reference N14351C/07 granted 21/08/2007 for erection of a part single part two-storey detached single dwelling house on land adjacent to no. 4 Hammond Close. Provision of one parking space. Insertion of window at first floor level on front elevation of 4 Hammond Close.		

<b>Application:</b>	Planning	<b>Number:</b>	N/14351/C/07
<b>Validated:</b>	29/06/2007	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	22/08/2007
<b>Summary:</b>	APC	<b>Case Officer:</b>	Louise Slee
<b>Description:</b>	Erection of a part single part two-storey detached single dwelling house on land adjacent to no. 4 Hammond Close. Provision of one parking space. Insertion of window at first floor level on front elevation of 4 Hammond Close.		

<b>Application:</b>	Planning	<b>Number:</b>	N/14351/A/06
<b>Validated:</b>	15/06/2006	<b>Type:</b>	APO
<b>Status:</b>	DEC	<b>Date:</b>	29/08/2006
<b>Summary:</b>	APC	<b>Case Officer:</b>	Louise Slee
<b>Description:</b>	Demolition of existing shed. Construction of a new residential building, provision of vehicular access & of street parking (OUTLINE APPLICATION).		

Consultations and Views Expressed:

Neighbours Consulted: 34  
Neighbours Wishing To  
Speak 0

Replies: 3

The objections raised may be summarised as follows:

- Overlooking / loss of privacy;
- Concern regarding safety issues arising from elevated parking spaces to front of new building;
- Concern regarding damage to neighbours vehicles during construction;
- Impact on traffic;
- Concern regarding possible loss of parking for No.4 and subsequent use of new parking bays by the occupiers of No.4;

- Insufficient parking provision;
- Impact on highway and pedestrian safety.

Internal /Other Consultations:

- Traffic & Development -

The proposal is for construction of a two storey building to provide a total of 2 self contained flats (1 x 2-bedroom and 1x 3-bedroom) following demolition of existing garage. The proposal includes 2 off street parking spaces at the front of the property.

A previous application has been approved for construction of a new house at this site.

The parking provision for the new flats is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006. The proposal will result in the loss of garage for the existing house at No 4, however the parking provision is considered acceptable at this location, as the parking demand generated from the development is not expected to have a detrimental impact on the public highways.

The application site is located adjacent to the boundary of the Dollis Valley Regeneration Area, however as yet no Masterplan for the area has been adopted.

The proposal is not expected to have a detrimental effect on the public highway.

**Recommendation:**

The proposal is acceptable on highways grounds, subject to conditions and an informative.

Date of Site Notice: 14 April 2011

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is land adjacent to the east of the pair of semi-detached properties at No.s 3 and 4 Hammond Close. On this land there is currently a double garage and outbuildings which belong to No.4 Hammond Close. Adjacent to the application site is a detached garage to the neighbouring property at No.5, which serves as the caretaker's house for the adjacent School (Barnet Hill Infants and Nursery School).

The surrounding area is residential in character and consists of mainly terraced housing, with the exception of the pair of semi-detached properties at No.s 3 and 4 and the detached bungalow at No.5.

Proposal:

This application involves the erection of a new two-storey building to provide two-self-contained flats adjacent to 4 Hammond Close (following demolition of the existing garage), including associated parking and landscape to the front of the property.

Planning Considerations:

Approval was granted on this site in August 2007 for '*Erection of a part single part two-storey detached single dwelling house on land adjacent to no. 4 Hammond Close. Provision of one parking space. Insertion of window at first floor level on front elevation of 4 Hammond Close*' (Application Ref. N14351C/07). A subsequent application to extend the time limit for application N14351C/07 was approved in September 2010. This approval is extant and therefore a material consideration in the determination of this current application.

The current application involves the construction of a two-storey building comprising one 3-bed ground floor flat and one 2-bed first floor flat.

The building would be 'L-shaped' with an overall size of 9.5m wide and 11.9m deep. The main 2-storey element would be 4.8m to the eaves and 7.2m to the ridge of the hipped roof.

The government have recently introduced changes to PPS3 to reclassify gardens as greenfield land as opposed to brownfield sites in order to prevent backland development. Although the site effectively constitutes 'garden' development, it is not considered that allowing a new dwelling on the site would be harmful to the character of the area. The new property would form part of the street frontage and as such would not constitute backland development. It is therefore not considered that the recent changes in government policy would be a reason to refuse permission.

Although 2 doors are proposed on the front elevation of the building, these would be set back from the main elevation by approximately 3.5m and largely hidden from view (on the western approach) by the 2-storey front projection. In addition, this property would form part of a streetscene of only 4 houses and largely surrounded by the rear boundary fences of properties along Mays Lane and Hardy Close. It is therefore not considered justifiable to refuse the application on these grounds.

On each of the flank elevations of the new building, one window is proposed at ground floor level and one at first floor level. Both windows on the western flank elevation would however serve bathrooms and the ground floor window on the eastern flank elevation would serve an en-suite, so it is likely that these windows would be obscure glazed. The first floor window on the eastern flank elevation would serve a stairwell. A condition has been imposed to ensure that all windows on the flank elevations are obscure glazed, to ensure no overlooking or loss of privacy arises.

Policy H17 of the UDP states that "*In new residential development there should be a minimum distance of ... 10.5 metres to a neighbouring garden.*" Although the proposed building would be located 8.3m from the rear boundary with the neighbouring garden at No.1 Eastham Close (contrary to the distance given in the submitted Design and Access Statement), this is only 1.2m closer to this boundary than the previously approved 2-storey dwelling (Approved under application N14351C/07 and renewed under application B/03177/10, which is extant and therefore a material consideration in the determination of this application). Refusal on these grounds is therefore not considered justifiable.

Due to the distance of the proposed building from the rear of the properties along Mays Lane (approximately 65m), and considering the existing dwellings at No.s 3 and 4 Hammond Close, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers along Mays Lane.

The proposed building would be located 2m from the neighbouring property at No.4 Hammond Close, and would project 2.4m beyond the rear building line of the property at No.4. Considering the footprint of the previously approved property, and the projection of the current scheme beyond the neighbouring property at No.4, this proposal is not considered to have a significantly greater impact on the amenities of the neighbouring occupiers at No.4 in terms of overbearing, loss of light or loss of outlook.

Due to the distance of the proposed building from the neighbouring property at No.5 Hammond Close (approximately 7m), and considering the footprint of the previously

approved property, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers at No.5 in terms of overbearing, loss of light or loss of outlook.

The proposal complies with standards in respect of floor area and amenity space requirements.

Policy M14 of the Barnet UDP requires new development to provide parking in accordance with the *London Plan* parking standards, except in the case of residential development, where the standards are specified. One space per unit is required for development consisting mainly of flats. The scheme proposes two parking spaces for two flats which is considered acceptable by the Council's Traffic and Development Team. The proposal would result in the loss of the garage at No 4, however the Traffic and Development Team consider the parking provision to be acceptable at this location.

The Traffic and Development Team have not raised any concerns regarding impact on traffic flow, parking or pedestrian safety.

Although the Design and Access Statement indicates that the refuse storage area will be located to the front of the property (between the landscaped area and the parking spaces), this has not been indicated on the submitted plans. A condition has therefore been imposed to ensure that details of the refuse storage and refuse collection point are submitted to the LPA for inspection, prior to the commencement of any works on site.

The applicant has not confirmed that he is willing to pay the required financial contributions, and a formal undertaking to secure contributions towards education needs generated by the development, library services, and health care facilities was not provided with the application to accord with UDP Policies CS2, CS8 and CS13. The relevant condition has therefore been imposed, and the required contributions are as follows:

- To accord with UDP Policy CS8 and the SPD the proposed scheme would require a contribution of £10,458 plus a monitoring fee of 5%.
- To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £278, plus a monitoring fee of 5%.
- To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £2,866 and a monitoring fee of 5%.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Mainly dealt with in the above report.

- Possible damage to vehicles during construction is not a material planning consideration.
- A distance of 1.7m has been retained between the front entrance to the flats and the existing parking spaces. This is considered to be sufficient. In addition, as a similar scheme has previously been approved, refusal on these grounds is not considered justifiable.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

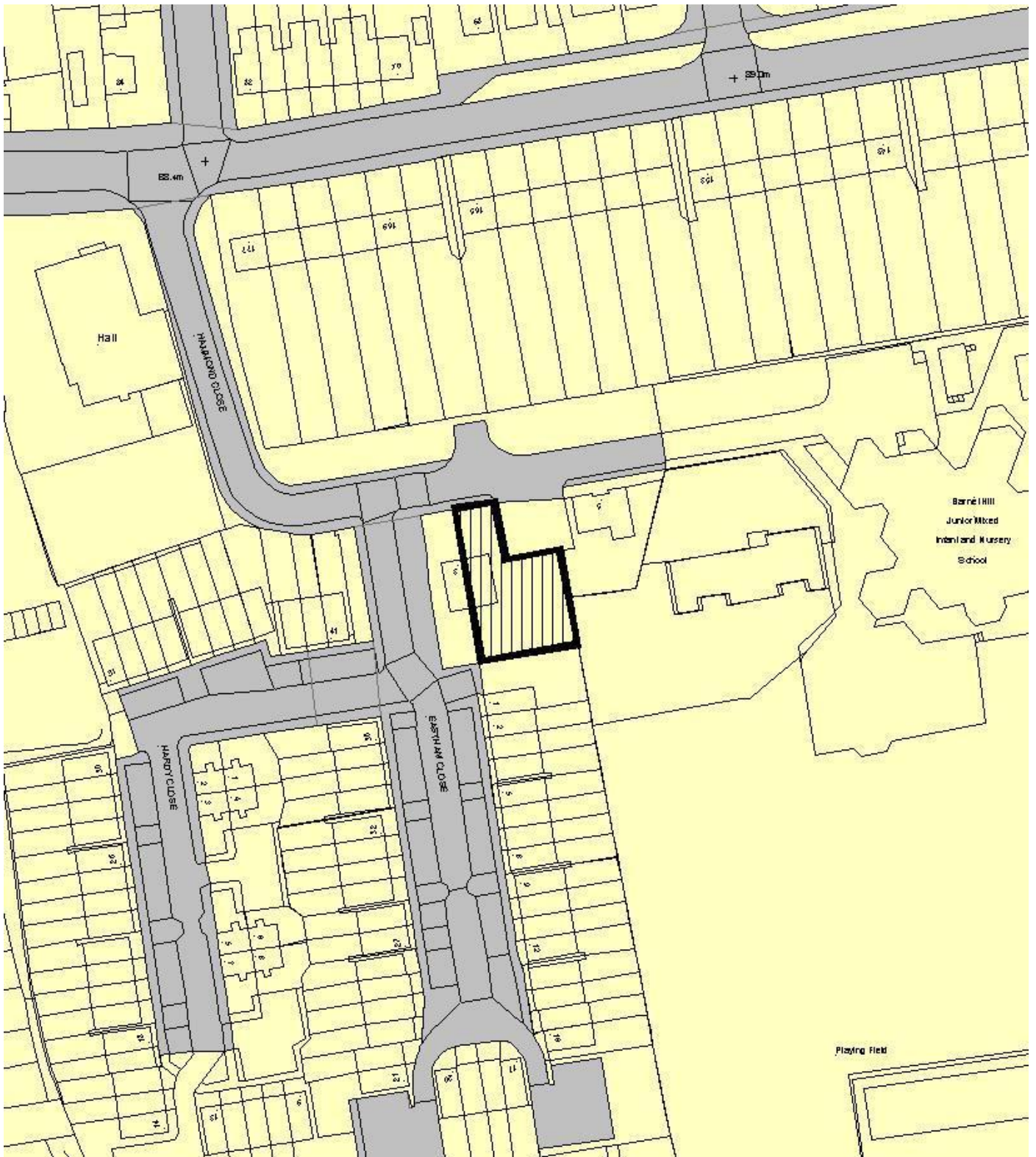
The principle of development on this site has already been established by the previous permission which remains extant. The current proposal seeks permission for a building of a similar size, to provide one 3-bed and one 2-bed flat. Given the detached nature of the

building it is not considered that the proposal would adversely affect the amenities of neighbouring residents. Similarly it is not considered that the proposal would detract from the character or appearance of the area and accordingly approval is recommended.



**SITE LOCATION PLAN: 4 Hammond Close, Barnet, Herts, EN5 2EQ**

**REFERENCE: B/01233/11**



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**LOCATION:** 35 Sellwood Drive, Barnet, Herts, EN5 2RW

**REFERENCE:** B/01554/11

**Received:** 04 April 2011

**Accepted:** 26 May 2011

**WARD(S):** Underhill

**Expiry:** 21 July 2011

**Final Revisions:**

**APPLICANT:** Ms Lotay

**PROPOSAL:** Single storey side and rear extensions.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 7 Rev. D, 8 Rev. D.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the Local planning authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5, M14, and H27, and: Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses

Core Strategy (Publication Stage) 2010:

Relevant policies: CS5

ii) The proposal is acceptable for the following reason(s): - The proposed extensions are considered to have an acceptable impact on the character and appearance of the property and street scene and amenities of the adjoining residents. The proposals are in accordance with the aforementioned policies.

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

### The Mayor's London Plan: Consultation draft replacement plan 2009:

7.4

### Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D5, H27, M14.

Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses.

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CS5.

### Relevant Planning History:

N14290A/04 - Approved 16/02/2005

Two storey side extension

N14290/04 - Refused 27/08/2004

Erection of a two-storey terraced house

### Consultations and Views Expressed:

Neighbours Consulted: 16

Replies: 3

Neighbours Wishing To 1

Speak

A petition with 33 signatures has also been received objecting to the proposal on grounds included in the summary below.

The objections raised may be summarised as follows:

- Proposed extension is out of keeping with the neighbourhood - there are no side or rear extensions whatsoever in these circumstances on the estate
- The depth of the rear garden is de minimis at this point of the terraced properties and the extension would result in unacceptable overdevelopment
- The development will create a driveway which leaves less room for others to park, parking is already terrible in the street with people parking on the pavement and there will be more parking in the street
- Change in outlook
- Potential loss of privacy
- Continued disruption from building works
- Scaffolding is an eyesore
- In general planning terms a single storey side extension is not objectionable but that the further extension to the rear of the property would be good grounds for objection by other leaseholders of the block
- Planning permission dated 16th February 2005 for a two-storey side extension to a single family dwelling which does not exist, in fact it is an upstairs and downstairs maisonnette which have always been separate dwellings
- Works on the two-storey extension commenced without the requisite consent of either the landlord or adjoining lessee or Party Wall Agreement
- The rectangle shown as a broken line represents the side window to the first floor flat, No. 33 Sellwood Drive which was removed by the applicant without agreement from the owner
- Extension is overbearing and unduly obtrusive resulting in substantial loss of garden which contributes to local amenity and loss of outlook from adjoining properties
- A highway boundary tree, within the fall of the area of the proposed side extension has been removed by the applicant and the highway boundary fence to the north and west side has been significantly increased in height by the applicant less than 4 years ago (to 2m) which have affected the outlook of the adjoining garden area from neighbouring properties and are clearly harmful to the street scene at this point
- The side extension will exacerbate and add to this sense of loss of amenity and be further detrimental to the character of the area and street scene at this conspicuous position on Sellwood Drive
- The proposed extension is out of character with the form, scale and architectural style of the main building and contravenes design principles contained in DGN5
- The roof pitch clashes rather than complements the original house
- The proposal shows a distinct lack of respect for the scale of the original building, the rear extension of this terraced property extends to more than 3m and covers the majority of the rear garden area. It would therefore result in a substantial sense of enclosure and loss of outlook from the bedroom and kitchen windows of No.'s 33 and 37 Sellwood Drive
- The proposed development provides for a second double bedroom - parking standards in the UDP are higher for 2 bed dwellings. Surveys during the day and evenings and weekends shows frequently saturated parking levels both on and off-street with many vehicles forced to park illegally on highway footway areas to facilitate service or emergency access - in these circumstances there is a compelling case to require an additional off-street parking space for a 2 bedroom development
- Two mature evergreens were cut down within a few days of the latest application (within 2m from the proposed rear extension) without any prior consultation with the neighbours or landlords
- The progressive removal of these trees necessitated by the proposals shows a disregard for the amenity of surrounding residents and is clearly detrimental to the character of the area

- Removal of trees has resulted in loss of privacy and overlooking to and from the bedroom and kitchen at no. 33 and loss of privacy and overlooking to and from 17, 19, 31 and 37 Sellwood Drive
- The bedroom and kitchen areas of no. 33 directly overlooks the concrete areas forming the parking lot immediately to the rear of the property and the rear garden of no. 31 and rear of properties at no.'s 17 and 19
- The rear extension is to form a lounge and kitchen/ diner positioned directly below the sleeping quarters of no. 33 heightening noise and disturbance to sensitive areas of upper maisonette
- There is sufficient precedent in planning law to require an additional parking space in the circumstances
- There have never been any planning applications submitted for maisonette in Sellwood Drive

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a ground floor maisonette contained within a two-storey end of terrace building. The existing maisonette is 1 bedroom with sole access to the rear garden.

### Proposal:

The application seeks planning consent for the construction of a single storey side and rear extension to the ground floor maisonette. The side extension would be 3m wide set back approximately 3m from the front entrance porch. It would extend 9.2m flush with the main rear wall and would have a pitched roof that would reach a height of 4m. The proposed rear extension would be 6.5m wide extending to the rear of the side extension. It would be sited 1.9m from the boundary with the adjoining properties at 37/39 Sellwood Drive. To the rear of the main building the extension would project 3.3m and to the rear of the side extension it would project 2.5m. The rear extension would have a flat roof that would reach 2.7m in height.

### Planning Considerations:

The proposed extensions are considered to have an acceptable impact on the character and appearance of the application building and general locality.

The side extension would have a pitched roof and although this differs to the main gabled roof form of the main building it is not considered to have an adverse impact on the character or appearance of the street scene or detract from the appearance of the host building. Its scale would be modest with the host building and would not overly dominate the site.

Whilst it is acknowledged that the side extension will be visible in the street and from neighbouring properties, it is not considered to appear incongruous or obtrusive and would have an acceptable impact on the visual amenities of the neighbouring residents.

The rear extension would have a flat roof and would be sited to the rear of the main building in part and the side extension. It is contained within the garden of the application property which has sole access to this area. It is considered to have an acceptable relationship with the main building in terms of its scale and appearance and would not detract from the character or appearance of the general locality.

The proposed extension would not result in overlooking into neighbouring properties or gardens and no loss of privacy will occur. The scale of the development is not considered to

be unduly dominant or obtrusive as perceived from neighbouring properties or the upper floor maisonette. Whilst it will be visible from neighbouring and upper floor windows resulting in a change in the outlook, this does not in itself make the proposed development unacceptable. The extension to the rear has a flat roof thus reducing its impact and visibility from surrounding areas and it is not considered to be an obtrusive or incongruous form of development detrimental to the visual amenities of neighbouring residents.

The proposal would accommodate an additional double bedroom to the property. This increase is not considered sufficient to adversely impact the parking stress in the locality. For flatted developments M14 requires 1 to less than 1 space per unit for flats.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

- Disruption during building works is not a material planning consideration
- The party wall act is not a material planning consideration
- Land ownership and civil disputes between neighbours are not material planning considerations
- Removal of trees do not require planning consent; the trees were not recognised as holding a special amenity value and were not protected by a Tree Preservation Order
- The alterations to the boundary fence are under investigation. However, regardless of the fence, the side extension is considered to have an acceptable impact on the character and appearance of the street scene.

### **4. EQUALITIES AND DIVERSITY ISSUES**

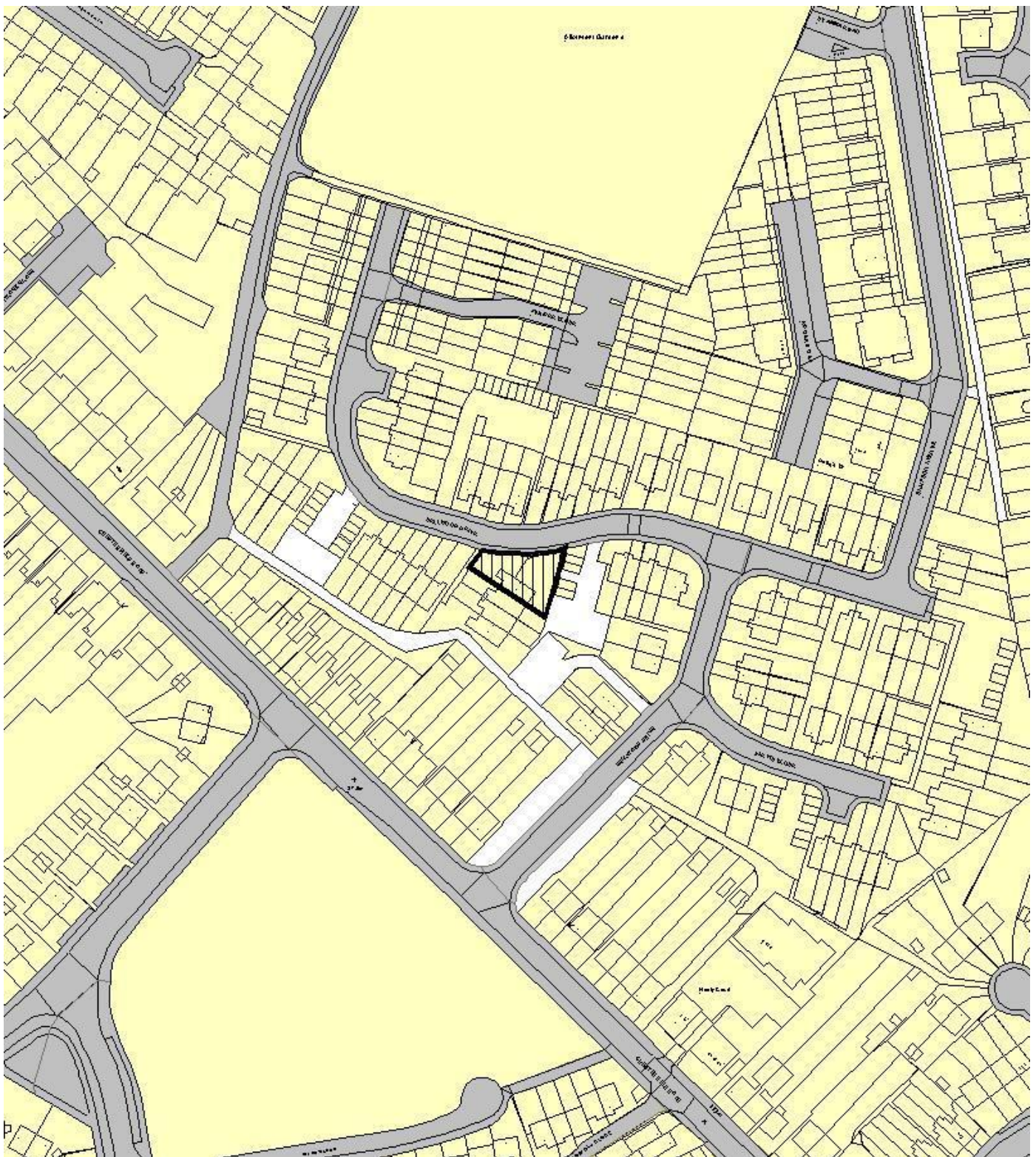
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposals are in accordance with planning policy and guidance and approval is therefore recommended.

**SITE LOCATION PLAN:** 35 Sellwood Drive, Barnet, Herts, EN5 2RW

**REFERENCE:** B/01554/11



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**LOCATION:** 70-72 Ballards Lane, London, N3 2BU (Land R/O)

**REFERENCE:** F/01452/11

**Received:** 06 April 2011

**Accepted:** 06 April 2011

**WARD(S):** West Finchley

**Expiry:** 01 June 2011

**Final Revisions:**

**APPLICANT:** Finchley Music School Ltd.

**PROPOSAL:** Change of use from B1 (Office Use) to D1 (Music School).

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design and Access Statement; Plan No's: 3085\_03; Plan No 1 with Figure 1 - Noise measurement locations and mitigations for change of use approval (Plan front and back); Noise report (Ref:349/11) by Michael Sugiura Limited noise control, dated June 2011.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. The floor plan layout as shown on the hereby approved plans must not be changed without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

4. No more than 12 students shall be on the premises at any one time unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the residential amenities of the neighbouring occupiers.

5. The premises shall be used for D1 music school and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

6. The use hereby permitted shall not operate before 3.30pm or after 8.30pm on weekdays and not operate before 9am or after 6pm on Saturdays. The use shall be closed on Sundays and all public and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.



Reason:

To safeguard the amenities of adjoining properties.

7. Before the development is occupied details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

8. When the premises cease to be occupied by Finchley Music School the use hereby permitted shall cease (and all materials and equipment brought on to the premises in connection with the use shall be removed) and reverted back to offices (B1).

Reason:

To safeguard the amenities of adjoining properties.

9. Once use is fully commenced a post noise assessment be carried out by the noise consultant to ensure that there is no noise outbreak from the music school when being used at its full capacity and that the mitigation measures are sufficient.

Reason:

In the interest to protect the amenities of neighbouring residents.

10. No development shall take place until a Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Management Plan shall provide confirmation that the – internal doors are to be kept shut when music rooms are in use; the front door to be kept shut and opened only when students are entering or leaving the waiting room; no practising of instruments in the waiting room; fire exit doors to be unobstructed when music school is in use (i.e shutters unlocked); carpet to be installed throughout whole building; ensure hours of use are strictly abided by. Throughout the use of the premises as a music school the measures contained within the approved Plan shall be strictly adhered to and before use commences a survey be carried out by the acoustic consultant to check that all the mitigation measures are in place.

Reason:

In the interest to protect the amenities of neighbouring residents.

11. Before the premises is occupied all windows are to be sealed shut i.e screwed shut at all times and an alternative ventilation system installed, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest to protect the amenities of neighbouring residents.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies

as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):GBEnv1, GBEnv2, GCS1, D2, M11.

Local Development Framework: Core Strategy (Publication Stage, September 2010): Policy CS 5 - Protecting and enhancing Barnet's character to create high quality places.

ii) The proposal is acceptable for the following reason(s): -

The location of a music school in this location is not considered to have a detrimental impact on the amenities of neighbouring occupiers, nor on the safety of road users and the free flow of traffic in this location.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Guidance/Statements:

National policy guidance/statements particularly relevant to the proposals includes Planning Policy Statement 1: Delivering Sustainable Development.

### The Mayor's London Plan (February 2004):

The Mayor's London Plan is now part of the development plan under the Planning and Compulsory Act 2004. It provides the strategic planning guidance and policies for the capital, which promotes sustainable growth and environmentally responsive development.

Polices of relevance include: 3A.21 and 3A.15 (Protection and enhancement of social infrastructure and community facilities)

### Development Plan – Barnet Unitary Development Plan (UDP):

Barnet Adopted Unitary Development Plan (2006): GBEnv1, GBEnv2, GCS1, D2, M11.

### Core Strategy (Publication Stage) 2010:

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material

consideration in the determination of planning applications.

Relevant Core Strategy Policies:

Policy CS 5 - Protecting and enhancing Barnet's character to create high quality places.

Relevant Planning History:

**Application:** Planning  
**Validated:** 08/07/2003  
**Status:** DEC  
**Summary:** REF  
**Description:** Change of use to licensed bookmaker (Class A2).

**Number:** C/04708/G/03  
**Type:** APF  
**Date:** 20/08/2003  
**Case Officer:**

**Application:** Planning  
**Validated:** 13/08/2003  
**Status:** WDN  
**Summary:** WIT  
**Description:** Installation of new shop front and installation of four satellite dishes and 2 air conditioning units on flat roof to rear.

**Number:** C/04708/H/03  
**Type:** APF  
**Date:** 24/10/2003  
**Case Officer:**

**Application:** Planning  
**Validated:** 02/09/2004  
**Status:** APD  
**Summary:** APC  
**Description:** Retention of windows and door to flank elevation of back addition.

**Number:** C/04708/J/04  
**Type:** S63  
**Date:** 08/11/2004  
**Case Officer:**

**Application:** Planning  
**Validated:** 15/09/2005  
**Status:** REC  
**Summary:** UNK  
**Description:** The following condition has not been complied with:- condition 1 in application C04708J/04.

**Number:** C/04708/NF  
**Type:** ENF  
**Date:**  
**Case Officer:**

**Application:** Planning  
**Validated:** 06/04/2011  
**Status:** PDE  
**Summary:** APC  
**Description:** Change of use from B1 (Office Use) to D1 (Music School).

**Number:** F/01452/11  
**Type:** APF  
**Date:**  
**Case Officer:** Neetal Rajput

**Application:** Planning  
**Validated:** 27/10/2008  
**Status:** DEC  
**Summary:** REF  
**Description:** Erection of metal enclosure to front with canopy roof and metal rolled shutter.

**Number:** F/04008/08  
**Type:** APF  
**Date:** 16/12/2008  
**Case Officer:** Junior C. Moka

**Application:** Planning  
**Validated:** 22/12/2010  
**Status:** WDN  
**Summary:** WIT  
**Description:** Change of use from B1 (Office Use) to D1 (Music School).

**Number:** F/05007/10  
**Type:** APF  
**Date:** 16/02/2011  
**Case Officer:** Neetal Rajput

## Consultations and Views Expressed:

Neighbours Consulted: 112  
Neighbours Wishing To 1  
Speak

Replies: 3

The objections raised may be summarised as follows:

- Noise and disturbance - Most of the market for music tuition is with teaching children rather than adults and they want to be taught late afternoon, evenings and weekends.
- Windows will be open much of the time and even if they were not the noise will be intolerable because these windows are much closer to residential properties and this building is minimally constructed allowing noise to leak out like water through a sieve.
- With the equivalent of four full time staff there will be considerable noise nuisance to many other neighbours – the flats above the shops on Ballards Lane, the end block of flats in Dorset Mews and the first half dozen houses on this side of Princes Avenue.
- In this re-submitted application there are details of acoustic tests conducted by Martyn Gerrard. This raises the following questions:
  - Where is the acoustic report and why is it not attached to the application?
  - What exactly are the acoustic qualifications of Martyn Gerrard or is this the well known local estate agent of the same name?
  - Were the windows open or shut when the tests were conducted?
  - If the windows were open the results are unbelievable and if they were shut the results are irrelevant to a building which is poorly insulated and where the windows are regularly opened to dissipate the heat. The applicant is not even proposing to have all the windows permanently fixed shut.
  - Traffic - This end of Princes Avenue (from which the site is accessed) is just off the main shopping road of Ballards Lane. It is extremely busy with the parking places in continuous use and much traffic turning round. Typically one has to drive 1-200 metres down Princes Avenue to find a parking space and often into Dukes Avenue.
  - The existing office use has generated very little traffic beyond the daily arrival of the handful of employees but a music school will be quite different.
  - Many of the pupils will be dropped off by their parents, some because they are learning large instruments which cannot be easily transported on the bus, but mostly because the School's Terms and Conditions state "Parents should escort children to the lesson, and pick them up at the end of the lesson".
  - Assuming that the stated 320 pupils have only one lesson per week each over the stated 31.5 hours of opening, then there will be a child arriving or departing every three minutes. This may not be quite as busy as Tesco's car park but there will be a very substantial increase in traffic movements with much manoeuvring in a tightly confined and busy piece of road space.
  - This will inevitably increase the already intense pressure on street parking.
  - The increase in traffic and parking pressure alone should prevent this development.
  - Child Safety - The access roadway from Princes Avenue to the proposed music school serves the backs of the shops on Ballards Lane as well as the housing above. This housing has traditionally accommodated adults only, with very few children over the years. This is fortunate because some of the shops sell groceries and are open very long hours with frequent deliveries by commercial vehicles late into the evening. This is a hazardous environment for children to access with commercial vehicles routinely reversing out of the very narrow access roadway.
  - Inappropriate Development - The idea of a music school is good, but in the middle of a very dense residential area at the back of shops it is misplaced because of the noise, child safety and traffic nuisance. This is a desirable facility but in the wrong place.

- The change of use of this property from windowless storage as part of the shops on Ballards Lane to independent fenestrated offices was done without planning permission. When your Enforcement Officer visited the property he described the proximity of the new windows to the windows in my house as "totally unacceptable". Retrospective planning permission was later obtained (your ref C04708J/04) but the windows were required to be glazed with obscure glass and permanently fixed shut to protect my family's privacy. These conditions were appealed and the requirement for obscure glass was upheld. The windows are frequently opened.
- Apart from the building numbers and post code there are three factual errors in the application - The owner is said to be Safeland plc. The registered owner is actually a private person.
- The surface water is said to be disposed of to the main sewer. It is not. The roof water from the four downpipes discharges onto the communal access area of the roadway serving the backs of the properties on Ballards Lane.
- The application form states that there is parking for two cars whereas the drawing shows a much larger space which the landlord has indicated could hold six cars. In fact there is room for no cars. It is impossible to park a car in this area, even sideways, without it totally obstructing the front door. The parking area shown on the plan is mainly outside the property line and is on the communal access roadway used by myself, other residents and shop keepers for their deliveries.

#### Internal /Other Consultations:

- Traffic & Development - Acceptable on highway grounds:  
The proposal is for a change of use from B1 (Office Use) D1 (Music School). 1 parking space is being retained.

In view of several factors including the location of the site and the following:

- The site is within a town centre location
- The site is close to Town Centre amenities and public transport.
- The site is located within a Controlled Parking Zone and there is Pay and display parking within close proximity on Ballards Lane.
- Environmental Health - Comments included within the report and relevant conditions have been attached.

Date of Site Notice: 26 April 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The rear of 70 – 72 Ballards Lane is a two storey commercial building located at the far end of this private road. The application site is currently in use as an office space and the site is accessed from Princess Avenue.

The application site is located in close proximity to West Finchley town centre, with its amenities and public transport links.

### Proposal:

The proposed development is for the change of use of the existing building from offices (Class B1) to a music school (Class D1). There are to be no changes to the elevation of this

property and the application is for personal use. It has been conditioned that the use is restricted to the Finchley Music School.

The type of instruments that will be taught are piano or guitar in each music room, there will not be any lessons for drums or brass instruments and no amplified music.

Supporting information submitted with the plans states that 320 Students are registered at the music school with 4 staff members. Although at any one time there are to be only 10 students at the premises. There is one parking space available and this will be retained. The access to the site is via Princess Avenue.

#### Planning Considerations:

The Council takes into account the loss of office units, however it has been demonstrated that the offices have been vacant for a considerable period.

The proposed use of the building as a music school is considered to be acceptable in terms of the internal floor area, particularly given the number of students proposed to be using the service at any one time and in terms of a minimal impact on residential amenity, due to its location within commercial premises, in close proximity to the West Finchley town centre.

It is not considered that having 12 students at the premises at any one time will have an adverse impact on the neighbouring residential properties. The number of students at the premises at any one time has been conditioned accordingly. In addition, the application is for personal use for Finchley Music School which will ensure that the additional conditions are complied with.

#### **Environmental Health:**

The Council's Environmental Health Team have been consulted on this application and they requested a full noise report from a qualified acoustic consultant which has been received with sufficient information to support the application. There has been an assessment of the noise produced by the instruments to demonstrate that the Music School would not have an adverse impact on the occupiers of nearby properties, commercial and residential in terms of noise and disturbance.

Mitigation measurements have been agreed by the applicant as shown on Plan No 1 with Figure 1 - Noise measurement locations and mitigations for change of use approval that the following works would be put in place to minimise any noise outbreak from the building:

1. The front door to be replaced with a double glazed new upvc door.
2. The white door next to steps on left hand side to be either replaced with a double glazed upvc door or alternatively place seals on the door to fill in the gaps where the door does not fit tightly to the frame.
3. Fill in gap between windows and floor of upper room as described in appendix 5 - Block off internal space between full height windows/window bay 3/4 ply.
4. Construct a lobby at the bottom of the stairs to segregate waiting / reception and Guitar room from Piano room, as described in appendix 5. The construction of the lobby to be of the same standard of the rest of the walls in the building and conform with building regulations.
5. The metal shutters on the external side of the fire exit doors, if they are to be retained, need maintenance as they are in disrepair and generating a clattering noise as a result.

A management plan has also been requested by our Environmental Health Team to ensure that the proposed use would not result in a detrimental impact on neighbouring occupiers from noise and disturbance generated by the music school.

It is considered that with the mitigation measures and management plan the proposed use will not cause harm to the amenities of neighbouring occupiers. It is acknowledged that there are residential properties in the area but with the imposed conditions, the proposal is not considered to cause harm to their amenity.

### **Highways:**

The Council's Highways officer has examined the plans and supporting information submitted and considers the proposal to be acceptable on highways grounds. The Highways officer has taken into consideration the location of the application site and its relationship to both public transport facilities and the surrounding controlled parking zone. It is considered that the majority of visitors to the site, due to the nature of the proposed use, will be by foot or public transport.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections have been covered in the above appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

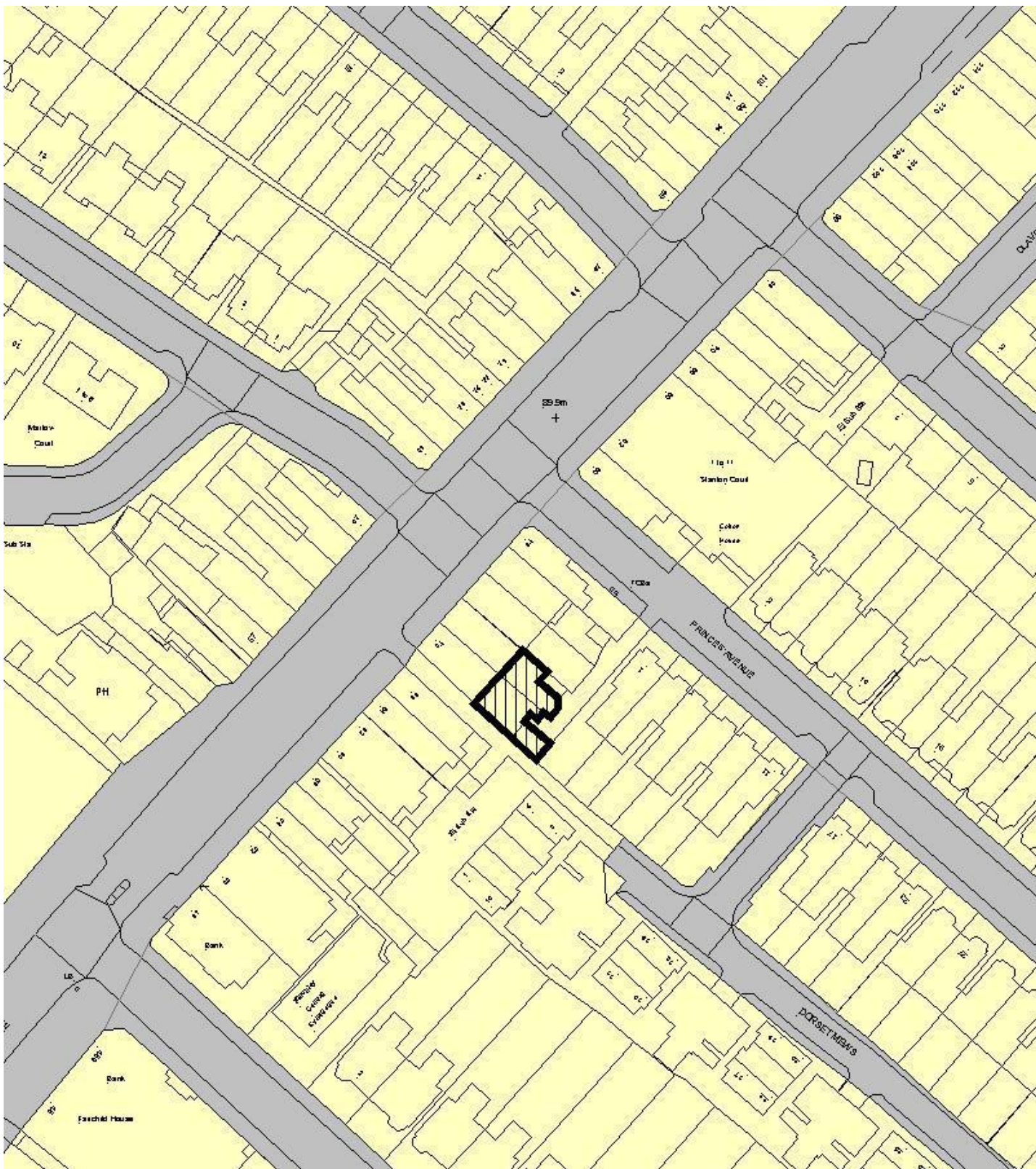
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The location of a music school in this location is not considered to have a detrimental impact on the amenities of neighbouring occupiers, nor on the safety of road users and the free flow of traffic in this location. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN: 70-72 Ballards Lane, London, N3 2BU (Land R/O)**

**REFERENCE: F/01452/11**



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**LOCATION:** First Floor Right, 183-191 Ballards Lane, London, N3 1LP  
**REFERENCE:** F/01470/11 **Received:** 30 March 2011  
**WARD(S):** West Finchley **Accepted:** 21 April 2011  
**Expiry:** 16 June 2011

**Final Revisions:**

**APPLICANT:** c/o Studio V Architects

**PROPOSAL:** Change of use from B1/B2 to D2 (gym) including relocation of rear rooflight.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01; PL02; PL03; PL04; PL05; PL06; PL07; design and access statement.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. The use hereby permitted shall not operate before 7.00am or after 8.00pm on weekdays and before 7.00am or after 9.00pm on weekends. The use shall be closed on all public and bank holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of adjoining properties.

4. The premises shall be used for D1 gym and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

**INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):GSD, GBEnv1, D2, GParking, ENV12, M14,GEMP3, GEMP4, EMP2, L25.

Core Strategy (Publication Stage) 2010:  
CS5

ii) The proposal is acceptable for the following reason(s): -  
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

2. Any grant of planning approval does not relate to any new signage at the property. Separate advertising consent would be required for any new fascia signs installed on the property.

## 1. MATERIAL CONSIDERATIONS

### Relevant Unitary Development Plan Policies:

GSD, GBEnv1, D2, GParking, ENV12, M14,GEMP3, GEMP4, EMP2, L25.

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CS5

### Relevant Planning History:

#### **Site history for current landparcel :**

44206 - First Floor Right, 183-191 Ballards Lane, London, N3 1LP

Case Reference: **F/01470/11**

<b>Application:</b>	Planning	<b>Number:</b>	F/01470/11
<b>Validated:</b>	21/04/2011	<b>Type:</b>	APF
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Elizabeth Thomas
<b>Description:</b>	Change of use from B1/B2 to D2 (gym) including relocation of rear rooflight.		

## Consultations and Views Expressed:

Neighbours Consulted: 59  
Neighbours Wishing To 2  
Speak

Replies: 8

The objections raised may be summarised as follows:

1. Windows of proposed Gym will look onto our flat (bedroom, bathroom, toilette, kitchen, balcony and the back garden of our block) this would seriously invade our privacy.
2. Also we are thinking of security reasons as well as a lot of people will see certain things e.g.: when people are not home, opened windows etc.
3. The fact that all the gyms have loud music which will be disturbing and cause annoyance, that is why we think this is not a right place for a Gym.
  - Also this is already a busy area and the gym will affect in extra traffic and cause problems with parking spaces (people will try to park even in private areas) as the building doesn't provide any parking.
  - Effect on parking in Wentworth Park also added noise late evenings as users finish sessions and the fact that the area is already well served with gyms, in Summers Lane and east End road. Both aforementioned have their own off street parking.
  - The change of use to a gym would be out of character with the first floors of neighbouring properties which are predominantly residential.
  - North London flying squad works from the police station next door and it is likely they would contest a public building overlooking them for over 15 hours a day.
  - Overlooking and loss of privacy.
  - Scale and appearance of the proposal and the impact on the surrounding area adjoining neighbours.
  - Not enough information to support the application.

## Internal /Other Consultations:

- Traffic & Development - No objections subject to conditions.

Date of Site Notice: 28 April 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application property relates to the first floor unit above blockbusters on Ballards Lane. The property

### Proposal:

The application relates to the change of use of the existing first floor of the building from B1/B2 to D2 gym use.

### Planning Considerations:

The main planning considerations are whether or not the proposed use is acceptable in this part of Finchley, whether or not any harm would be caused to surrounding properties and any impact on the highways and whether or not the property has been marketed effectively to allow the loss of office space and to allow the change of use to take place.

Policy EMP2 says:

The other sites apart from those listed in Table 10.2 that are used, or have last been used, for class B1, B2, B8 or similar industrial uses, the council will not grant planning permission to redevelop or change them to non-industrial or non-business uses. Exception will only be made where there is no realistic prospect of re-use in the short, medium and long term, or of redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses.

The above policies state that a case should be made where there is no realistic prospect of re-use for the site and the council would normally expect marketing details to justify this. Therefore the issue is to consider whether or not the loss of office space is considered to be harmful or whether it can be demonstrated that use of the premises as an office is no longer viable.

Information on the marketing of the property has been submitted as part of the application, this provides details of the marketing of the first floor. The property services team have reviewed the information submitted and consider that the property has been marketed at a realistic and competitive rate for rental space. They also acknowledge that space away from a station and away from the high street would be very difficult to let. The property services team would favour this application to a gym as it suits the local amenity and it would pose no loss of office space. The agent has demonstrated that the property has been marketed as an office for B1 use and has been unable to let the unit successfully.

Having considered the information submitted it has been concluded that the property has been sufficiently marketed by instructing agents. It is considered that there is little demand for low end office space, especially where it is not near a station.

The traffic and development team have reviewed the information provided and have raised a number of points:

- The site is located within a Controlled Parking Zone and with short term Pay & Display parking on Ballards Lane in the vicinity of the site;
- The site is located within a Town Centre Location and close to local amenities with good public transport accessibility
- Although the proposed use will be outside the pay and display control parking times, it must also be noted that the use will come into effect when some of the other uses in the surrounding area will be finishing for the day therefore the overall impact on public highway of the development of this size is likely to be minimal.

Considering these points the traffic and development team have no objections to the proposal for the use of the property as a gym.

The application has been conditioned to restrict the opening hours of the gym to protect the residential amenities of surrounding occupiers. It is not considered that the proposed change of use will be detrimental to the amenities of neighbouring occupiers. Considering the comings and goings of the use, particularly on a main road such as this, the use of the site for a gym is not considered to be harmful.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

All planning related matters are considered to be covered in the above appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the

commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **5. CONCLUSION**

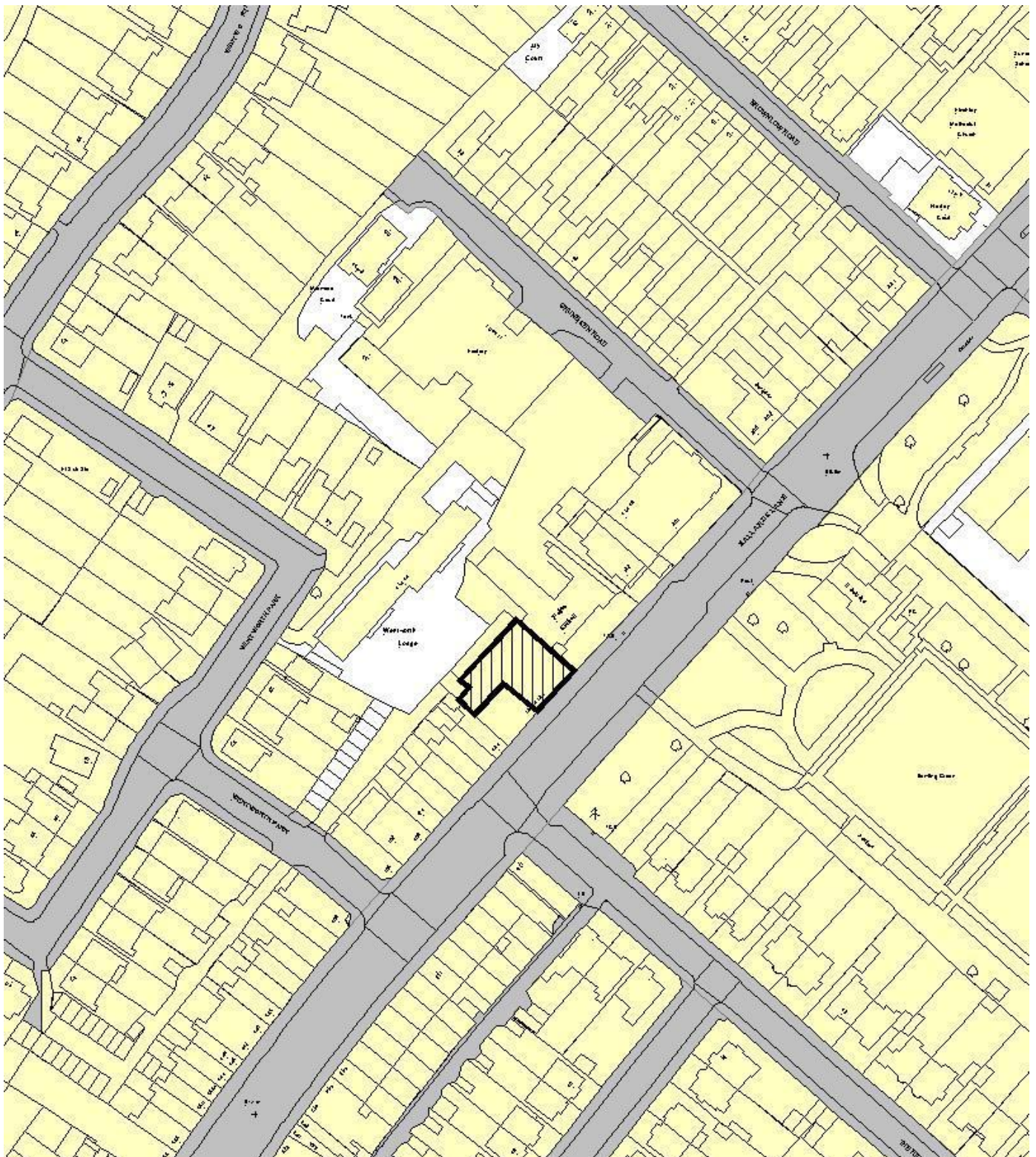
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:  
1LP**

**First Floor Right, 183-191 Ballards Lane, London, N3**

**REFERENCE:**

**F/01470/11**



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**LOCATION:** 177 & 179 Ballards Lane, London, N3 1LP

**REFERENCE:** F/01534/11

**Received:** 11 April 2011

**Accepted:** 28 April 2011

**WARD(S):** West Finchley

**Expiry:** 23 June 2011

**Final Revisions:**

**APPLICANT:** Ms N & Mrs M Khiroya/Signorini

**PROPOSAL:** Construction of first floor extension above commercial units to provide two 2-bedroom flats

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, Drawings BLF:P:002A, BLF:P:003A, BLF:P:004A.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

4. 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

5. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the

adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 6 No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

#### **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows:

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GParking, D1, D2, D3, D4, D5, M4, M5, M11, M12, M13, M14, H2, H5, H16, H17, H18, H20, H21, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Publication Stage) 2010: CS5

ii) The proposal is acceptable for the following reason(s): The proposal would ensure the protection and enhancement of the character and appearance of the area in line with UDP policies. It represents an efficient use of land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future occupiers of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the council's sustainable objectives.

2. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.



Further details and the application form can be downloaded from:  
<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>  
or requested from the Street Naming and Numbering Team via email:  
[street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Guidance/ Statements:

Planning Policy Statement 1: Delivering Sustainable communities (PPS1)

Planning Policy Statement 3: Housing (PPS3)

### The Mayor's London Plan: Consultation draft replacement plan 2009

Relevant Unitary Development Plan Policies: GSD, GBEnv1, GBEnv2, GBEnv3, GParking, D1, D2, D3, D4, D5, M4, M5, M11, M12, M13, M14, H2, H5, H16, H17, H18, H20, H21, CS2, CS8, CS13, IMP1, IMP2.

### Supplementary Planning Guidance / Documents (SPG / SPD):

Planning Obligations SPD (2006)

Contributions to Libraries and lifelong learning SPD (2008)

Sustainable Design and Construction SPD (2007)

Contributions to Education SPD (2008)

Contributions to Health SPD (2009)

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies: CS5

### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	C/00787/C/04
<b>Validated:</b>	19/01/2004	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	30/04/2004
<b>Summary:</b>	REF	<b>Case Officer:</b>	Clive Townsend
<b>Description:</b>	Erection of a two storey addition behind retained facade comprising ground floor retail (Class A1) unit and a 2 bedroom flat on the first floor. Provision of parking space at rear.		

**Application:** Planning  
**Validated:** 02/09/2010  
**Status:** DEC  
**Summary:** APC  
**Description:** Installation of new shopfront to no.179 and no.181 (1.5 m pushed back into the premises) and shutters.

**Number:** F/03550/10  
**Type:** APF  
**Date:** 21/10/2010  
**Case Officer:** Neetal Rajput

F/03676/10 at 181 Ballards Lane for "Front dormer window and two storey rear extension including Juliet balcony and external staircase to first floor to provide 2 self contained flats. Ground floor used as storage, ancillary to the shop. New Shop front" APPROVED 19/11/2011

Consultations and Views Expressed:

Neighbours Consulted: 53                      Replies: 3  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- disruption during building works
- impact of development on light and outlook
- impact of development on character of the area

Internal /Other Consultations:

- Traffic & Development - no objection
- Thames Water Devt Control - no objection

Date of Site Notice: 12 May 2011

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is located along the retail frontage of Finchley Church End town centre. It consist of a section of flat roof above a small cafe and part of a supermarket. This part of Ballards Lane is mainly commercial in character with some flats above shops. Buildings are of varying styles, design and quality.

Proposal:

The proposals relates to the construction of a first floor extension to provide two 2-bedroom flats. The application has been amended and reduced since first being submitted.

Planning Considerations:

- The acceptability of the proposal having regard to PPS1 and PPS3
- Impact on the character of the area
- Impact on the amenity of adjoining properties and future occupiers
- Transportation issues and highway safety
- Sustainability
- Section 106 requirements

## The acceptability of the proposal having regard to PPS1 and PPS3

Document PPS3 on Housing sets out the Government's strategic housing policy objectives of creating sustainable, inclusive, mixed communities. Paragraph 20 states that key characteristics of a mixed community are a variety of housing, particularly in terms of a mix of different households such as families with children, single person households and older people. In terms of developing housing density policies, paragraph 46 states that Local Authorities should have regard to the level of housing demand and need in their area, current and future level and capacity of infrastructure, services and facilities, desirability of using land efficiently, current and future levels of accessibility particularly public transport accessibility, the characteristics of the area, and the desirability of achieving high quality, well-designed housing.

Paragraph 50 highlights that "the density of existing development should not dictate that of new housing. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment". It states that good design is fundamental to using land efficiently and that good design is facilitated by identifying the distinctive features that define the character of a particular local area. Paragraph 49 however points out that in areas which involve the intensification of the existing urban fabric, careful attention to design is particularly important as more intensive development is not always appropriate.

High quality inclusive design is also a key objective of PPS 1. Other guidance on delivering high quality design includes the 2000 DETR/CABE publication 'By Design: Urban Design in the Planning System: Towards Better Practice'.

Any development proposal must be acceptable in terms of its impact upon surrounding existing development in terms of its character, design, parking, the street scene and residential amenity.

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. The chief objective of Planning Policy Statement 3: Housing (PPS3) is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The site is a previously developed site and on this basis the additional residential units are considered to accord with national, strategic and local planning policy.

The proposal would represent an efficient use of partially previously developed land in accordance with national legislation, the London Plan and policy H21 of the adopted UDP.

### Impact on the character of the area

Planning Policy Statement 1 (PSS1) makes it clear that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted (paragraph 34). The statement also points out that policies should concentrate on guiding the overall scale, density, massing and height of new development in relation to neighbouring buildings and the local area more generally. It is clear from these points that Central Government views design as a key issue in the assessment of proposals and that the relationship between proposed buildings and existing buildings and spaces is a particularly important aspect of design.

Policy D2 states that the council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street patterns and the overall character and quality of the area.

This part of Ballards Lane is characterised by a variety of building types. The proposed additional storey would be similar to that built at 181 Ballards Lane and approved as recently as November 2010. Therefore from a street scene perspective the principle of a further development of flats is considered appropriate in this particular location as it is considered that the predominant character of this particular stretch of the road would be maintained. It is considered that this application would result in an efficient use of the land whilst respecting the constraints of the site.

The proposed building would respect the general proportions of neighbouring developments. It is considered that the general arrangements of the building would ensure that its bulk and mass relate appropriately with the rest of the street.

There are a number of different designs along the street. The chosen approach to copy 181 Ballards Lane is welcome in this case.

In summary, it is considered that the proposed extensions have been designed with respect for the character and appearance of the area. The achievement of a high quality development will, however, nevertheless be dependent on the use of good quality materials and attention to detail. Consequently, relevant conditions will need to be attached, including submission of details of the facing materials and windows.

The view from the rear of the site would also be acceptable because the design of the extension (and associated stairs) would also be in character with other surrounding buildings.

Refuse is to be kept to the rear of the site in line with existing arrangements for other flats. This is considered acceptable.

#### Impact on the amenity of adjoining properties and future occupiers

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported.

Unitary Development Plan Policies D5 and H16 seek to ensure that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to these issues. It is considered that the density of the site is acceptable and roughly comparable to previous permissions on site. The layout of the proposals ensures that the building would not result in harm to the residential amenity of neighbouring occupiers. Overall, it is considered that the increased activity on site would be acceptable subject to compliance with the recommended conditions. There are no principal habitable room windows on the side elevation of the new extensions at 181 Ballards Lane facing the proposals.

Each flat would have access to a private internal courtyard. The area of the courtyards falls short of the required 5m<sup>2</sup> per habitable standard of policy H18. However, it is considered that due to the quality and privacy of the space provided and the location of the site in a town centre which is not in an area of deficiency at local park level (Victoria Park is across the road), the provision of amenity space does not warrant refusal for the application.

### Transportation Issues and highway safety

The Council's Highways group have recommended approving the application.

No parking is available for the existing use and no parking is being provided for the proposed conversion. In view of several factors including the location of the site and the following:

- The proposal is for an extension.
- The site is close to Town Centre amenities and public transport
- The site is within a CPZ and pay and display parking fronting the site.

Taking into consideration the above on balance the proposal is acceptable on highways grounds.

### Sustainability

The Sustainable Design and Construction SPD states that proposals for such developments need to demonstrate compliance with both the broader sustainable design principles and the specified environmental minimum requirements. Where an applicant considers that certain minimum requirements are not viable or deliverable, they will be expected to demonstrate this through design and feasibility studies.

The applicant has highlighted their sustainability strategy in their submission as part of a sustainability statement. The Council expects that proposals for such developments show how they fully embrace the principles, guidance and minimum requirements set out in the SPD. Any aspect of a proposal which does not fully comply with what is set out in this SPD will need to be fully explained and justified through appropriate feasibility studies.

Sustainable development is a key priority of Central Government and the council. The council's adopted Supplementary Planning Document on Sustainable Design and Construction requires the development to be built to Code Level 3 performance against the Code for Sustainable Homes (December 2006). This is conditioned.

### Section 106 Planning Obligation Requirements

Government Circular 05/05 and the Council's adopted SPD for related planning obligations is applicable for this site in respect of the following areas:

#### Education

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future education needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Education available on the Council's website. As proposed, the figure is £5,318.

## Library Services

Policy CS2 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities. A contribution will be sought for the provision of library services in the borough in line with the council's Supplementary Planning Document on Contributions to Library Services available on the Council's website. As proposed, the figure is £278 for the residential aspect of the development.

## Health

Under Policy CS13 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future health needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Health available on the Council's website. As proposed, the figure is £2,368.

## Monitoring Contribution

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. The amount of contribution being sought would depend upon the final scheme. In February 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations details of which are available on the Council's website. As proposed (and without a libraries contributions for future employees of the commercial units), the figure is £398.20.

All of the above contributions would be sought under Polices IMP1 and IMP2 of the Adopted UDP (2006).

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Planning matters are covered in the above appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposal would ensure the protection and enhancement of the character and appearance of the area in line with UDP policies. It represents an efficient use of land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future occupiers of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are

acceptable on highways grounds. As conditioned, the proposed building would meet the council's sustainable objectives. **APPROVAL** is recommended.

**SITE LOCATION PLAN: 177 & 179 Ballards Lane, London, N3 1LP**

**REFERENCE: F/01534/11**



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**LOCATION:** 18 Brent Way, London, N3 1AL

**REFERENCE:** F/01908/11

**Received:** 04 May 2011

**Accepted:** 04 May 2011

**WARD(S):** West Finchley

**Expiry:** 29 June 2011

**Final Revisions:**

**APPLICANT:** Neale + Norden Architects

**PROPOSAL:** Demolition of existing steps and reduction of levels of front garden. Formation of new steps with binstore and bike store located under, new planting and alterations to the front boundary wall.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: D01; D02; D03; photos.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D1, D2.

Supplementary Design Guidance Note 9 - Walls, fences and gates;

Core Strategy (Publication Stage) 2010:

Relevant policies: CS5

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

2. Any grant of approval does not confer any rights to remove the tree outside the site. The removal of the tree will be assessed if and when a crossover application is made to the Highways Authority.

- 3 If a crossover is desired at a later stage it will need to be applied for. If consent is given, it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

## 1. MATERIAL CONSIDERATIONS

### Relevant Unitary Development Plan Policies:

GBEnv1, D1, D2.

Supplementary Design Guidance Note 9 - Walls, fences and gates.

### Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies:

CS5.

### Relevant Planning History:

#### **Site history for current landparcel :**

56635 - 18 Brent Way, London, N3 1AL

Case Reference: **F/01908/11**

<b>Application:</b>	Planning	<b>Number:</b>	F/01908/11
<b>Validated:</b>	04/05/2011	<b>Type:</b>	HSE
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Elizabeth Thomas
<b>Description:</b>	Demolition of existing steps and reduction of levels of front garden. Formation of new steps with binstore and bike store located under, new planting and alterations to the front boundary wall.		

### Consultations and Views Expressed:

Neighbours Consulted: 41  
Neighbours Wishing To  
Speak

Replies:

The objections raised may be summarised as follows:

- Design and access statement is incorrect.
- Extensive works are being carried out to supply drainage and other services to building in the rear garden.
- The statement lists 11 houses where the front garden have been paved over and dropped curbs provided. This is only 10% of 105 houses in Brent Way thus not a sufficient argument to pave further properties.
- The current work on 18 Brent Way is being carried out by casual labour under direction of the owners partner and his family. This leads the immediate neighbours to be concerned at the prospect of serious excavation being carried out without adequate supervision, disregard for building regulations and the endangerment of their own properties.
- The owners / developers (Wixon/Prentice) have replaced the front garden of 10 Fursby Avenue with a tarmac-surfaced car park totally disregarding the Councils guidelines in Design Guidance No. 3. It is feared that the property at 18 Brent Way will be developed similarly if this application is permitted.
- The proposal is for the formation of new front steps with provision of bike and bin storage under. There is no practical necessity for this storage.
- This proposal will also facilitate an internal lobby to the flats.
- Appearance: The proposed new open front area will be almost identical to No. 32. There is no comparison. The height of the gardens does not bear any relationship. No. 18 is very high and thus will require an enormous amount of excavation. I was told that possibly up to 2 metres. The owner is planning to put down a tarmac drive. No. 32 has crazy paving and bins stored at the front by the pavement.
- Access: There is a reference to a disabled platform lift. This is a very unusual request and one wonders what future plans the current owner has for this property in an area of small single family terraced homes.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application property is a mid terrace single family dwellinghouse located in the West Finchley ward.

### Proposal:

Demolition of existing steps and reduction of levels of front garden. Formation of new steps with binstore and bike store located under, new planting and alterations to the front boundary wall.

### Planning Considerations:

The front hardstanding proposed would consist of a significant change in levels and redesign of the existing stairs. The proposal will allow for bin and bike storage under the newly formed steps. There are a number of other properties within the surrounding area that have benefited from front hardstanding to the property whilst these may not have required level changes of the same extent the principle of creating a hardstanding is considered to be acceptable. The proposed development will not result in harm to the character of the host property or the surrounding area. The proposal consists of both hard and soft landscaping to ensure that the development enhances the visual appearance of the surrounding area.

The proposed walls and pillars to the front and side are considered to be an appropriate and acceptable form of development for this site in this location. As existing there is a front

boundary wall which is to be replaced by pillars of a similar height. The height of the walls and the pillars is considered to be acceptable and would not result in an unacceptable degree of enclosure to the street.

The street trees team have reviewed the application and have confirmed that a judgement on the tree will be made if a crossover application is made in the future.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

- The design and access statement has been amended to show that the property is a single family dwellinghouse.
- The planning application relates solely to a front hardstanding and does not relate to any works being undertaken at the rear of the property.
- Structural issues regarding the excavations required does not fall under planning legislation.

### **4. EQUALITIES AND DIVERSITY ISSUES**

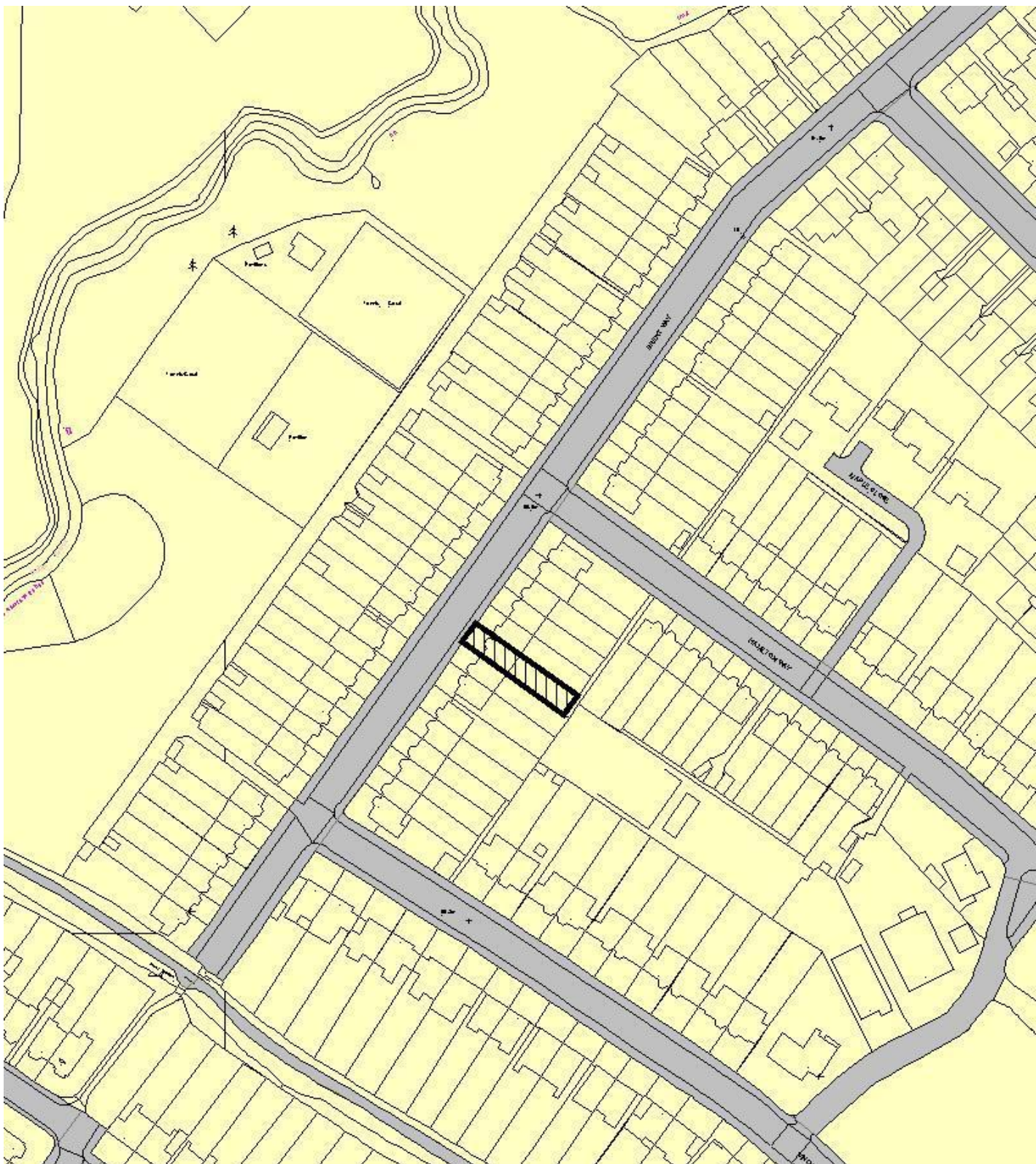
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN: 18 Brent Way, London, N3 1AL**

**REFERENCE: F/01908/11**



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**LOCATION:** Gloucester House, 150 Woodside Lane, London, N12 8TP

**REFERENCE:** F/01620/11

**Received:** 08 April 2011

**Accepted:** 08 April 2011

**WARD(S):** Woodhouse

**Expiry:** 03 June 2011

**Final Revisions:**

**APPLICANT:** Mace Montessori Schools Ltd

**PROPOSAL:** Use of ground floor as Montessori nursery school (D1 use).  
Alterations to car park layout to provide walkway access to school entrance. Associated internal alterations.

**RECOMMENDATION: Approve following completion of S106**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Open Spaces (boroughwide) £60,000.00**  
A contribution towards the improvement of Open Spaces in the London Borough of Barnet.
- 4 **Special Site-Specific Obligation £12,000.00**  
A contribution of £12,000 per annum towards the maintenance of children's play equipment.
- 5 **Special Site-Specific Obligation £0.00**  
To indemnify the Local Authority against claims (details to be agreed in the S106).
- 6 **Requirement to submit Travel Plan £5,000.00**  
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution of £5000 towards the Council's costs of monitoring the implementation of a Travel Plan.
- 8 **Monitoring of the Agreement £2,400.00**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

## RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/01620/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 142:01, 142:02, 142:03, 142:05, 142:06, 142:12 Rev: A, 142:13 Rev: B, 142:15 Rev: B, a Planning Statement and a Design and Access Statement .

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. The use hereby permitted shall not be open to customers before 8am or after 6pm on weekdays or at any time on Saturdays, Sundays and Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

4. There shall be no more than 60 children enrolled at the nursery at any one time.

5. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

6. Before the development hereby permitted is occupied, parking spaces shall be provided including disabled parking spaces in accordance with the drawing No. 142:13 Rev. A submitted with this application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

7. Before the development is occupied Travel Plan shall be submitted to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan coordinator. The Travel plan should be reviewed annually in accordance with the

target set out in the Travel Plan.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies GSD, GNon Car and M3 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st October 2011 the Assistant Director of Planning and Development Management REFUSE the application ref: F/01620/11 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of open space, maintaining of play equipment, the submission and monitoring of a travel plan and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet policies L11, L14, M11, M12, M13 and M14 of the Adopted Unitary Development Plan (2006).

### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant: PPS1

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GParking, D2, ENV12, M3, M11, M12, M14 and CS4.

Core Strategy (Publication Stage) 2010: CS5

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property and would not prejudice highway safety or convenience.

### **1. MATERIAL CONSIDERATIONS**

National Planning Policy Guidance/ Statements: PPS1

Relevant Unitary Development Plan Policies: GBEEnv1, GParking, D2, ENV12, L11, L14, M3, M11, M12, M13, M14 and CS4.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.



The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS 5

Relevant Planning History:

**Application:** Planning **Number:** C/00495/D/07  
**Validated:** 20/03/2007 **Type:** S73  
**Status:** DEC **Date:** 22/05/2007  
**Summary:** APC **Case Officer:** Claire Thorley  
**Description:** Variation of Conditions 2 and 4 of Planning Permission N02967M/01 dated 16-01-2002 to amend them as follow "the number of surgeons practicing on the premises (ground and first floor) at any one time shall not exceed seven" and "the premises shall not be open to patients before 7:30am or after 8:30pm on weekdays or before 8:00am or after 1:00pm on Saturdays and not at all on Sundays or Bank Holidays.

**Application:** Planning **Number:** C/00495/E/07  
**Validated:** 30/08/2007 **Type:** APF  
**Status:** DEC **Date:** 16/10/2007  
**Summary:** APC **Case Officer:** Claire Thorley  
**Description:** Alteration of two window openings and the formation of a louvred panel between the new openings on the west elevation to form new escape doors. The blocking up of the existing door opening on the north elevation and the substitution of louvred panels in two existing window openings in the south elevation. The replacement of the existing manually operated main entrance doors with an automated doorset.

**Application:** Planning **Number:** C/00495/F/07  
**Validated:** 30/08/2007 **Type:** ADV  
**Status:** DEC **Date:** 17/09/2007  
**Summary:** APC **Case Officer:** Claire Thorley  
**Description:** Non-illuminated wall mounted sign.

**Application:** Planning **Number:** F/00554/11  
**Validated:** 01/02/2011 **Type:** APF  
**Status:** WDN **Date:** 05/04/2011  
**Summary:** WIT **Case Officer:** David Campbell  
**Description:** Use of ground floor as Montessori nursery school (D1 use). Removal of 6no parking bays to use as external play area and landscape alterations including perimeter fencing and planting and erection of 2no canopies. Associated internal alterations and insertion of door to rear elevation to create access to proposed external play area.

**Application:** Planning **Number:** F/01620/11  
**Validated:** 08/04/2011 **Type:** APF  
**Status:** PDE **Date:**  
**Summary:** APL **Case Officer:** David Campbell  
**Description:** Use of ground floor as Montessori nursery school (D1 use). Alterations to car park layout to provide walkway access to school entrance. Associated internal alterations and insertion of door to rear elevation to create access.

## Consultations and Views Expressed:

Neighbours Consulted: 94  
Neighbours Wishing To 0  
Speak

Replies: 3

The objections raised may be summarised as follows:

- The noise impact on the surgery.
- General noise and disturbance.
- Insufficient parking provision.
- Insufficient drop off points
- Increased traffic and congestion.
- Children will be brought to the nursery by car and not public transport as stated
- No waste provision.
- Child safety on the busy road.
- Excessive use of the driveway

## Internal /Other Consultations:

- Traffic & Development - No objection
- Early Years - No comments.
- Green Spaces (inc Allotments) - No objection subject to contributions and insurance indemnities

Date of Site Notice: 28 April 2011

## **2. PLANNING APPRAISAL**

Site Description and Surroundings: The application site is a two storey building comprising of mainly medical uses on the upper floors, with the ground floor (the subject of this application) currently vacant. The premises are located in Woodside Lane, with nearby residential dwellings including flats to the side and rear of the building. The site does not fall within a conservation area.

Proposal: The application seeks consent for use of ground floor as Montessori nursery school (D1 use). Alterations to car park layout to provide walkway access to school entrance and associated internal alterations. The nursery would cater for a maximum of 60 children (aged 0-5 years). The maximum number of staff when fully operational would be 21.

Planning Considerations: The principle of using the site as a nursery is considered to be acceptable. The key issues for consideration have been discussed below:

### Principle of Development/ Intensity of the Use

It is acknowledged that the use is to increase in intensity when compared to previous uses that the building may have had. This is not considered to be a reason for refusal in its own right and that the building is considered to be large enough to accommodate 60 children. The rest of the building is in use as a D1 medical use and as such there are not considered to be a reason to refuse the use of the ground floor as a D1 nursery.

## Highways

There are 8 parking spaces available for existing use. However, the provision of parking and the parking layout for the proposed use is being amended to provide 4 parking spaces and a drop off and a pick up area at the rear of the building. A dedicated pedestrian access for the access into the building from the rear is being provided. 2 of the parking spaces will be designed for the disabled use. A shared vehicular access to the parking area is from Woodside Lane. The site is situated in an all day controlled parking zone which operates from 9am to 5pm Monday to Saturday.

There are no objections to the application from the council's Traffic and Development Team. There are therefore no objections to the proposal in terms of the access, parking, turning space or drop off points. The section 106 agreement will however require the applicants to provide a contribution of £5000 which will be required towards monitoring of the Travel Plan.

## Noise and Disturbance

The external play area of the previous application has been removed from the current proposals, along with the rear door following concerns of that this would be an unacceptable source of noise for neighbouring residential occupiers. It is now considered that all noise associated with the nursery shall be confined to within the building itself and as such is not considered to harm the amenities of neighbouring occupiers. It is also noted that the hours of use are not unreasonable or at unsociable hours, and a condition has been attached to ensure that this remains the case. It is also not considered that the development would cause an unacceptable level of noise on the existing medical uses, and that appropriate soundproofing would be considered at the Building Regulations stage. It is not therefore considered that the application could be reasonably refused on these grounds.

The increase in comings and goings have also been raised as a concern in the objection letters received by the council. The council's Traffic and Development Team have raised no objections on this aspect of the development, and have requested a travel plan through a section 106 agreement which is considered to assist in the management of this part of the application. Provision has also been made for a drop off point within the application which again the Traffic and Development Team approve of. The noise and disturbance associated with comings and goings is considered to be acceptable at the hours proposed and as such the application is considered to be acceptable on these grounds also.

## Open Space

No amenity provision is being provided on site and it has been noted that the applicants intend to use the Swan Lane Open Space which has its entrance nearby off Woodside Lane. Open Spaces have no objections to the application subject to the following contributions within the Section 106 agreement:

- A lump sum of £60,000
- £12,000 per annum
- An agreement outlining the responsibilities of both parties

The £60,000 is required to upgrade the play equipment to a good standard, whereas the £12,000 is required towards the maintenance and repair of the site including daily inspections and maintenance

The agreement outlining the various parties' responsibilities would include an agreement by the applicant to indemnify the Council against the use of the play area by children under his care. The council would not ask the applicant to indemnify the equipment; this would remain the council's responsibility. For example, if a piece of play equipment was vandalised and the applicant allowed his users to use it and they were hurt – this is his responsibility. If a child was using some equipment and it broke it would be referred to the council to consider. If however it was found that a part was loose that should have been picked up by the applicants safety inspections it would be his responsibility.

The council is unable to guarantee that all play equipment is safe to use 24/7 and similarly that there is not glass present at the site etc from other users so the applicant will be required to undertake his own inspections and make sure everything is safe. The authority is likely to carry out daily inspections and maintenance alongside this. Outside of these inspections something may get vandalised and the authority will expect the applicant to prevent the use of this equipment by his children if it is unsafe. The authority takes reasonable measures to ensure the area is safe given the context of it being an open space. The applicant will be intensifying this use and facilitating his business, and on this basis he will need to be responsible for ensuring that the area is safe.

The council require as part of the section 106 an indemnity against insurance claims for example a child falls off a monkey bar and breaks their arm, this claim would normally come to the Council. But as the applicant is taking the children to this place they will need to be responsible for their care and the subject of any claims and have their own relevant insurance for this.

### Section 106 Agreement

As explained above the section 106 agreement will contain the following items:

- An initial £60,000 provision to open spaces.
- £12,000 a year to maintain the equipment.
- An agreement outlining the responsibilities of both parties and which would indemnify the council against some insurance claims as outlined above
- The requirement to submit a travel plan.
- A monitoring contribution.

There is not considered to be a need to provide a contribution towards library facilities as the previous use also provide employment use within the borough.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The planning grounds of objection are considered to have been covered in the main report.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to

compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property and would not prejudice highway safety or convenience.

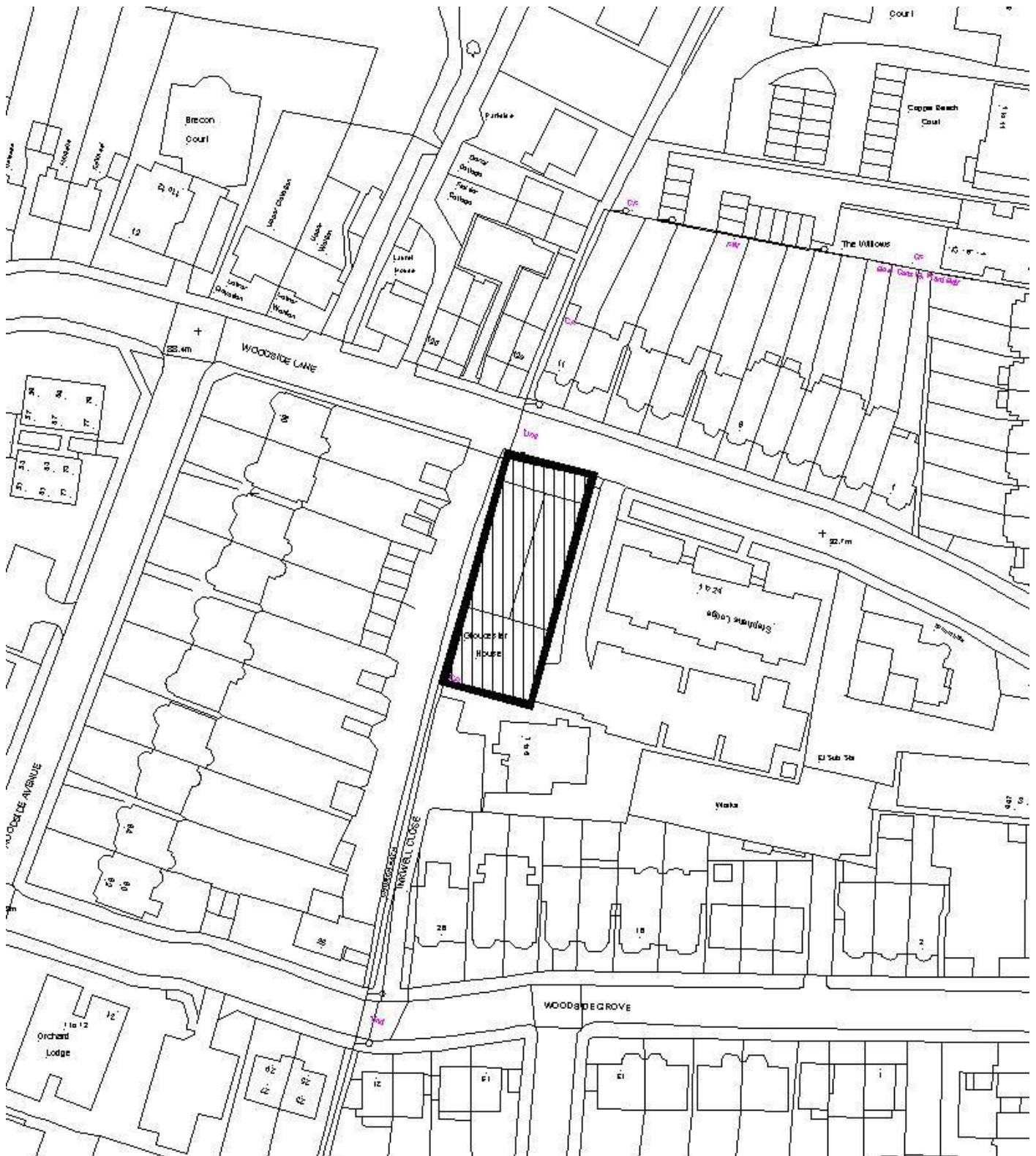
It is therefore recommended that the application be **APPROVED**.

**SITE LOCATION PLAN:  
8TP**

**Gloucester House, 150 Woodside Lane, London, N12**

**REFERENCE:**

**F/01620/11**



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