

EAST AREA PLANNING SUB - COMMITTEE

6 OCTOBER 2011

ITEM 6

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: 6 October 2011

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B/02089/11

Brunswick Park

Unit 11, Brunswick Industrial Park, Brunswick Way, London, N11 1JL

Addition of use class B1(c) (light industrial) to the existing consent for Use class B8 (storage & distribution) and the extension of operating hours to 7am-9pm Monday-Saturday and 11am to 5pm Sundays and bank/public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Year's Day.

Approve Subject to Conditions

B/01989/11

Brunswick Park

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Unit 2, Brunswick Industrial Park, Brunswick Way, London, N11 1JL

Addition of use class B8 (storage & distribution) to the existing consent for Use Class B1(c) (light industrial) and the extension of operating hours to 7am-9pm Monday-Saturday and 11am to 5pm Sundays and bank/public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Year's Day.

Approve Subject to Conditions

B/03369/11

Brunswick Park

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34 Grange Avenue, Barnet, Herts, EN4 8NL

Single storey side and rear extension following removal of existing shed.

Approve Subject to Conditions

Coppetts

Land at rear of Units 5 and 6, Friern Bridge Retail Park, Pegasus Way, London, N11 3PW

Change of use of 906m² of the existing rear service area to a shop use (use class A1) to create an external garden centre, formation of new hard standing and erection of a fence to provide a means of enclosure to the garden centre. External alterations to Unit 5 to remove an existing roller shutter door and fire exit and create a new door to provide access between Unit 5 and the proposed garden centre. Relocation of 25 existing car parking spaces and the provision of a new enclosed waste and recycling storage area.

Approve Subject to Conditions

Coppetts

Land at rear of Unit 3 Friern Bridge Retail Park, Pegasus Way, London, N11 3PW

Erection of two sprinkler tanks and pump house, provision of new concrete plinth on which tanks and pump house are to be located and installation of new bollards to provide vehicle impact protection.

Approve Subject to Conditions

Coppetts

Units 3, 4 and 5 Friern Bridge Retail Park, Pegasus Way, London, N11 3PW

Enclosure of 582m² of existing rear service yard with a fence and formation of a new hardstanding to form secure service yard and storage area. Erection of a canopy over 273m² of the proposed secure service yard and storage area. Provision of a 4m high acoustic fence adjacent to the service yard security fence and provision of a further 4m high acoustic fence to enclose the wider service area at the rear of units 3, 4 and 5. Installation of 143m² internal first floor staff amenity area and 29.5m² internal first floor staff office. External alterations to units 3, 4 and 5 including insertion of new windows, doors, roller shutter access. Removal of existing doors and roller shutter access

Approve Subject to Conditions

B/03869/10

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Coppetts

34 -36 Queens Parade, Friern Barnet Road, London, N11 3DA

Construction of a new first floor to provide 2 self contained flats above No.36 Queens Parade and a storage area above No.34 Queens Parade (ADDITIONAL INFORMATION)

Approve Subject to S106

B/03354/11

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East Barnet

187 Victoria Road, Barnet, Herts, EN4 9SG (Formerly The Bell And Buck Public House)

Change of use from public house with residential above into Funeral Home (A1 use)/Offices (B1 use) with 4no residential units. Provision of 6 parking spaces and associated amenity space. Internal and external alterations including partial demolition of the building and two storey rear extension. Associated alterations to roof including new inverted dormer to East elevation to replace existing dormer, 1no dormer at South elevation and 1no dormer at North elevation.

Approve Subject to Conditions

F/02706/11

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East Finchley

1 Bedford Road, London, N2 9DB

Change of use of ground floor from Class B1 office to a mixed use ClassB1/D1 (Pilates Bodywork Centre).

Approve Subject to Conditions

F/02980/11

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East Finchley

386 Long Lane, London, N2 8JX

Extension to roof including, rear dormer window to facilitate a loft conversion. First floor rear extension. Existing single storey ground floor extension to have a pitched roof.

Approve Subject to Conditions

High Barnet

The Hollies, Gladsmuir Road, Barnet, Herts, EN5 4PJ

Two storey front extension including new front entrance. Two storey rear extension. Alterations to fenestration to all elevations. Alterations to roof including increase in ridge height, removal of a gable end, insertion of side rooflights and front and rear dormers to facilitate a loft conversion. Demolition of existing single storey rear projection and conservatory. (AMENDED DESCRIPTION & PLANS)

Approve Subject to Conditions

West Finchley

10 Fursby Avenue, London, N3 1PL

Erection of outbuilding in rear garden.

Approve Subject to Conditions

Woodhouse

89 Queens Avenue, London, N3 2NN

Two storey side extension and conversion into 3 self contained residential units. Single storey extension to existing detached self-contained unit.

Approve Subject to Conditions

East Finchley

Dick Turpin, 383 Long Lane, London
N2 8JW

Erection of a two storey building plus rooms in roofspace and basement living accommodation and parking, all to facilitate 8 residential flats following demolition of the public house

That the committee agree changes to the requirement of the section 106.

LOCATION: Unit 11, Brunswick Industrial Park, Brunswick Way, London, N11 1JL
REFERENCE: B/02089/11
WARD(S): Brunswick Park

Received: 11 May 2011
Accepted: 21 July 2011
Expiry: 15 September 2011

Final Revisions:

APPLICANT: Oyster No. 2 Jersey Property Fund c/o Indigo Planning Limited

PROPOSAL: Addition of use class B1(c) (light industrial) to the existing consent for Use class B8 (storage & distribution) and the extension of operating hours to 7am-9pm Monday-Saturday and 11am to 5pm Sundays and bank/public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Year's Day.

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Aulos Acoustics, Planning Supporting Statement, Transport Statement (received 11/05/2011), BSPEC_U11_GL/A (received 13/07/2011) and 501015/SLP2 (received 19/07/2011)
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 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.
4. The level of noise emitted from the plant/machinery 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.

5. 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.

6. No delivery vehicles may arrive, depart, be loaded or unloaded within the site between 20:30 hours and 07:00 hours Monday to Saturday or at any time on Sundays or Bank Holidays without prior approval from the Local Planning Authority.

Reason:

To safeguard the residential amenities of occupiers of neighbouring properties.

7. Between the hours of 9pm and 7am Monday to Saturday, 9pm to 11am Saturday night to Sunday/ bank/public holiday* morning, 5pm to 7am Sunday/bank/public holiday* afternoon to Monday morning no activity shall take place within the building which is audible from the boundary of the nearest residential property. *excluding Christmas Day, Boxing Day, Easter Sunday and New Years Day when no activity whatsoever shall take place within the building.

Reason:

To safeguard the residential amenities of occupiers of neighbouring properties.

8. The premises shall only be operational between 0700 hrs to 2100 hrs Monday to Saturday and between 1100 hrs to 1700 hrs on Sundays and bank and public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Years Day when the premises shall be non operational.

Reason:

To ensure that the amenities of neighbouring residents are not prejudiced by the development.

9. A scheme for acoustic fencing between Unit 11 and properties on Waterfall Road shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

10. No activity associated with the operation of the business shall take place at the rear of the building.

Reason:

To accord with recommendations in the Acoustic Report submitted, to ensure the industrial activity on the site is contained within the building and to safeguard the amenities of occupiers of adjoining and neighbouring 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 (2006).
In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GParking, GEMP1, GEMP2, GEMP3, GEMP4, ENV12, ENV13, D1, D2, M1, M2, M11, M12, M13, M14, M16, M17, EMP1, EMP2, EMP3, EMP8.
Core Strategy (Publication Stage) 2010: CS5, CS8 and CS9.
 - ii) The proposal is acceptable for the following reason(s): -
The proposal will promote and protect employment in the borough. The proposed development is appropriate for this Primary Industrial Site. The proposal is not considered to harm residential amenity, subject to suggested conditions and the proposal accords with the aforementioned policies.
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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development

Planning Policy Statement 4 (PPS4) - Planning for Sustainable Economic Growth

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

Table A2.2 identifies Brunswick Industrial Estate as an Industrial Business Park. Policy 3B.4 (Industrial Locations) states the Mayor will promote, manage and protect the varied industrial offer of Strategic Industrial Locations.

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, GParking, GEMP1, GEMP2, GEMP3, GEMP4, ENV12, ENV13, D1, D2, M1, M2, M11, M12, M13, M14, M16, M17, EMP1, EMP2, EMP3, EMP8.

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:

Relevant Planning History:

Brunswick Industrial Park, Brunswick Way, London, N11 1JL

Erection of 4 light industrial/storage and distribution units with associated car parking and landscaping. Formation of 2.1m high acoustic fencing around site. Conditional approval 25/06/2010.

Unit 12-14, Brunswick Industrial Park, Brunswick Way, London, N11 1JL

B/02457/09 - Addition of use class B1(c) (light industrial) and use class B2 (general industrial) to the existing consent for class B8 (storage & distribution) and the extension of operating hours to 7am-9pm Monday-Saturday and 11am to 5pm Sundays and bank/public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Year's Day. Conditional approval 14/10/2009.

Unit 8, Brunswick Industrial Park, Brunswick Park Road, London, N11

N00489AR- Variation of conditions 2 and 3 of planning permission N00489AQ for use as a trade builders merchant to allow working and deliveries on Bank Holidays. Refused 08/10/1993.

N00489BA- Change of use from trade builders merchant to storage and distribution (use class B8). Conditional approval 19/11/1996.

Unit 5, Brunswick Industrial Park, Brunswick Park Road, London, N11

N00489AS- Change of use from light industrial (class B1) to storage and distribution (class B8). Conditional approval 14/02/1994.

N00489BB - Change of use of unit from warehouse and storage (class B8) to light industrial (class B1). Conditional approval 14/11/1996.

Consultations and Views Expressed:

Neighbours Consulted: 295
Neighbours Wishing To 0
Speak

Replies: 7

The objections raised may be summarised as follows:

- Increased levels of traffic
- Increased congestion
- Traffic has already increased since permission was granted at Units 12-14
- Undue noise and disturbance
- Noise has already increased since permission was granted at Units 12-14
- Potential noise in the early morning and evening
- Noise from trucks and deliveries
- Light industrial units are inappropriate so close to a residential area
- Noise from machinery and roller shutters opening will be unacceptable at the proposed times
- Houses nearby vibrate due to the size and nature of vehicles accessing the estate
- Only the main gate should be used, not the entrance on Waterfall Road - this should be conditioned
- Unacceptable levels of pollution
- Concerns regarding pedestrian safety - especially for elderly residents
- Unacceptable in a predominately residential area
- Loss of privacy
- Loss of property value.

Internal /Other Consultations:

- Traffic & Development -

The proposal is for the B1 (Light Industrial) Use Class to be added to the existing B8 (Storage and Distribution) Use Class, and extension of operating hours.

No changes are proposed to vehicle access or parking provision.

It is considered that the overall amount of trips generated by the proposed change of use will be similar to the existing situations therefore there will no adverse impact on the public highway.

The proposal is not expected to have a detrimental impact on the public highways and is considered acceptable on highways grounds.

- Environmental Health -

Relevant to this case is the acoustic noise report referenced: aulos12/4/2011. This applies to unit 2 and 11.

Environmental Health are satisfied with the review of previous noise measurements and traffic data. The BS4142 indicates that complaints are unlikely with current design. The units act as a noise shield to the residential where deliveries are at the front.

Various conditions and informatives are suggested in line with recommendations in the acoustic noise report to safeguard the residential amenities of neighbouring occupiers.

Subject to conditions, not objection is raised to the proposed development.

- Campaign For Real Ale (CAMRA) - No response received.
- London Borough of Enfield - No response received.

Date of Site Notice: 04 August 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site forms part of the Brunswick Park Industrial Estate - a Primary Industrial Estate located on the eastern side of the borough.

The units have a mix of B1 (c) (light industrial), B2 (general industrial) and B8 (storage and distribution) use classes. The buildings are all of 1 or 2 storeys in height and parking is readily available on site.

The site has two entrance and exit points - the first off Brunswick Park Road (to the west) and the second off Waterfall Road (to the east).

Unit 11 is located on the southern side of the site, the closest residential properties are on Waterfall Road.

Proposal:

The proposal seeks to change the use of unit 11 from the existing storage and distribution use (Use Class B8) to a flexible use consisting of storage and distribution (Use Class B8) and light industrial (Use Class B1(c)).

The proposal also seeks widen the operating hours as follows:

- On weekdays and Saturdays it is proposed to extend the operating hours to allow opening from 7am to 9pm.

- On Sundays, Bank and Public Holidays it is proposed to operate from 11am to 5pm.

Planning Considerations:

Employment Use

The government's objectives for the development of industrial and commercial land are set out in PPS4 - Planning for Sustainable Economic Growth.

Brunswick Industrial Estate is an important employment location, reflected in its identification as a Primary Industrial Location in the Barnet Unitary Development Plan 2006 (see Table 10.2).

One of the six objectives of the *London Plan* is to make London a more prosperous city, with a strong and diverse economic growth.

The Barnet Unitary Development Plan (2006) identifies the site as a Primary Industrial Estate. The site is considered to be a very important contributor to the local economy and policy seeks to promote employment use in this area.

Chapter 10 (Employment, Business and Industry) of Barnet's Adopted Unitary Development Plan (2006) aims to protect, provide and consolidate appropriate employment sites to meet the needs of businesses in the borough. The policies are supported by research commissioned by the council to identify future demands for employment land in the borough. This aim is carried forward in the emerging Core Strategy and Development Management policies.

Employment land in Barnet is a principal source of jobs for the borough's residents, hosting a range of light industry, general industry, offices, storage businesses and distribution (para. 10.1.20 of the UDP). A key aim of the local plan is to protect employment land.

In order to achieve the objectives of national and regional policy the council has identified the following strategic policies for employment-related land use in the borough which are relevant to this application.

- Policy GEMP1 states that the council will seek to consolidate and promote employment use classes (B1, B2 or B8) on the borough's primary industrial sites and business parks and safeguard them against redevelopment for non-business or non-industrial uses. Brunswick Industrial Estate is considered a Primary Industrial Site and as such the use classes proposed in this application should be encouraged. The Council is supportive of B1, B2 and B8 uses in such locations and the change of use is appropriate.
- Policy GEMP2 states that the council will seek to provide and promote sites and areas appropriate for the needs of all business, industry and warehousing activities, whilst giving careful regard to the environment. The proposal will accommodate a wider range of uses on the site and encourage the continued use of these units, contributing to employment in the borough.
- Policy GEMP3 encourages the creation of the maximum number and quality of jobs, consistent with other policies in the Plan. This proposal is considered to accord with GEMP3 as the change of use of use will increase the flexibility of this light industrial unit, making it more attractive for future employers.

- Policies GEMP4 and EMP2 seek to retain and protect employment land. The proposal will retain the industrial floorspace and encourage new tenants.
- Policy EMP1 is also key to this application as it relates to primary industrial sites and business parks. The policy seeks to ensure that planning permission will not be granted to redevelop or change the use of industrial sites to other uses than B1, B2 and B8. The proposal accords with this criteria.
- Policy EMP3 states that the expansion, conversion or redevelopment or premises for uses falling within class B1, B2, B8 or similar uses will be permitted in the borough's Primary Industrial Sites and Business Parks provided that:
 - i. The development would not adversely affect residential amenity or highway and traffic conditions; and
 - ii. Would not lead to a significant reduction in employment provided on the site; and
 - iii. The resultant trip generation is catered for by the most sustainable means.

With regard to policy EMP3 the proposed development is considered acceptable by the Highways Team at the London Borough of Barnet and is therefore not considered to affect highway and traffic conditions. A Transport Statement was received as part of the application and this has been reviewed by the Highways Team.

Residential Amenity

All the relevant policies listed above should not override the needs or neighbouring residential occupiers and policy EMP3 states that development should not adversely affect residential amenity. All policies within the UDP seek to ensure that residential amenity is protected.

Noise can have a considerable impact on the quality of life of people living or working in the borough and it is therefore important to minimise noise disturbance by exercising planning control on new development. The majority of objections to this scheme relate to the possible increase in noise and disturbance. The UDP advocates that planning conditions can be used to control the operating hours or influence the layout and design of buildings in order to reduce the effects of noise generating development. Policy ENV12 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted and policy ENV13 states that where development is proposed close to a source of noise generation the council will require applicants to minimise the effect of noise through design, layout, landscaping and insulation. The proposed conditions reflect this and seek to ensure noise is limited and the existing relationship is not significantly altered.

The Environmental Health Team have been consulted as part of the application and agree that the amended development description will not cause a statutory nuisance nor harm residential amenity. Conditions have been suggested by Environmental Health to ensure this and mitigate against any noise breakout. In addition, a restriction on deliveries to and from the site will be imposed. No deliveries will be permitted on Sundays and Bank Holidays as a result of this planning application.

The proposed use of the premises on Sundays and Bank Holidays is considered to be appropriate. Whilst there would be additional comings and goings of staff this would be for a limited period in the middle of the day and be against the background of existing traffic background noise in the area. The recommended conditions require operations to be

contained within the building to reduce any impact in terms of noise and disturbance.

It is important to note that properties on Ryhope Road are some 70m from this site and properties on Brunswick Park Road are some 90m from the site. All these properties border the Industrial Park itself, however, the application does not relate to all units on the site - only Unit 11. The nearest residential properties to the application site are on Waterfall Road, 18m away, approximately 5m from the shared rear boundary. These properties are sited to the rear of the building, where noise breakout will be limited. Noise breakout will be further reduced with the fencing being upgraded to provide an acoustic barrier.

Relevant Cases

It is important to note that planning permission was recently granted (in October 2009) for a similar application at Units 12-14 Brunswick Industrial Park. This permission granted the same hours to that proposed, with the addition of a B2 general industrial use. These units were previously B8 Storage.

This case forms a material consideration in this case as the principle has been established at the Industrial Estate.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly addressed in the appraisal. Loss of property value is not a material planning consideration.

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

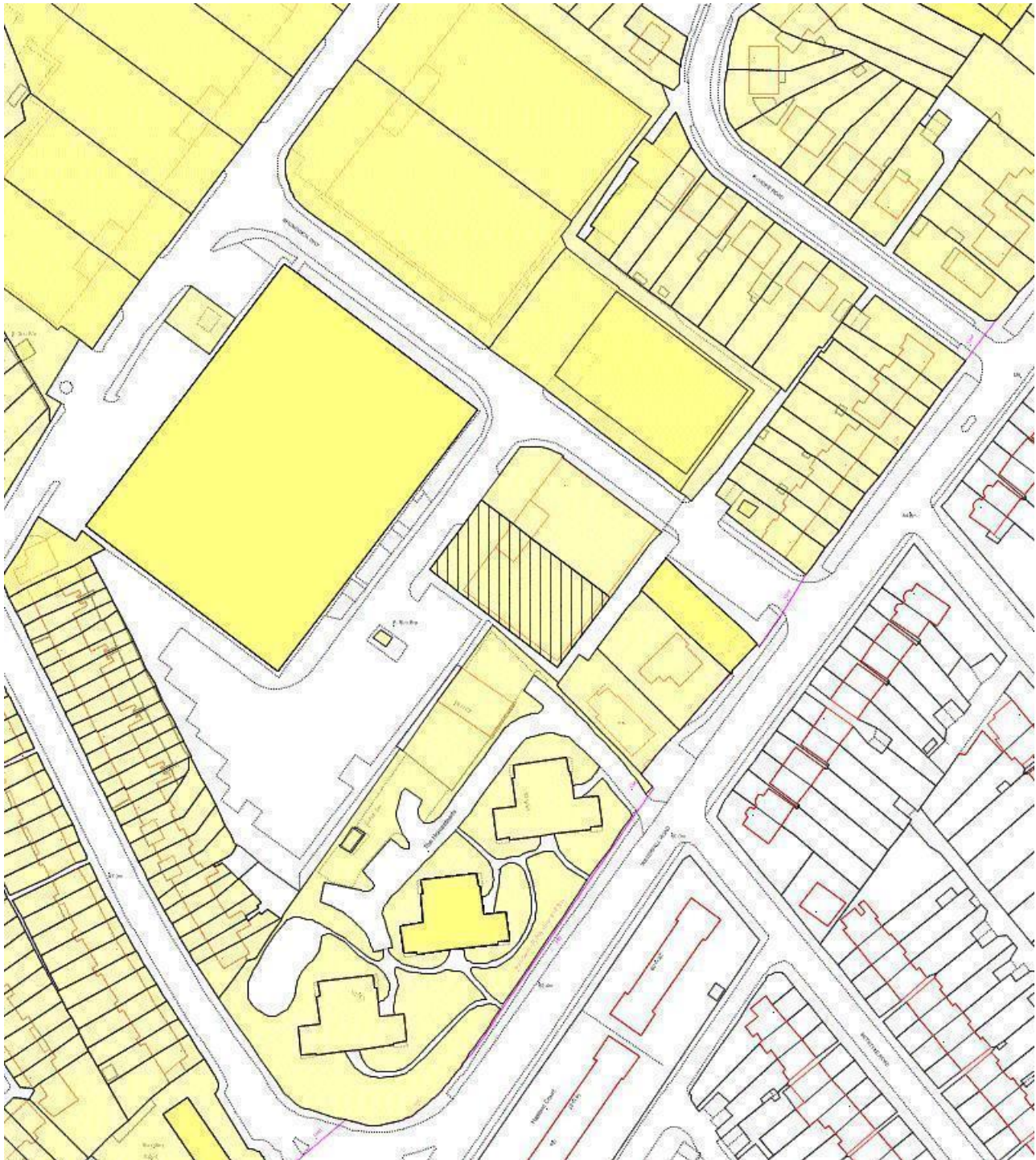
PPS4 encourages proposal for the economic development, unless negative social or environmental impacts can be demonstrated. The application is not considered to harm neighbouring residential amenity and the application will promote economic development. Accordingly, approval is recommended, subject to conditions.

SITE LOCATION PLAN:
London, N11 1JL

Unit 11, Brunswick Industrial Park, Brunswick Way,

REFERENCE:

B/02089/11



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LOCATION: Unit 2, Brunswick Industrial Park, Brunswick Way, London, N11 1JL
REFERENCE: B/01989/11
WARD(S): Brunswick Park

Received: 11 May 2011
Accepted: 21 July 2011
Expiry: 15 September 2011

Final Revisions:

APPLICANT: Oyster No. 2 Jersey Property Fund c/o Indigo Planning Limited

PROPOSAL: Addition of use class B8 (storage & distribution) to the existing consent for Use Class B1(c) (light industrial) and the extension of operating hours to 7am-9pm Monday-Saturday and 11am to 5pm Sundays and bank/public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Year's Day.

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Aulos Acoustics, Planning Supporting Statement, Transport Statement (received 11/05/2011), BSPEC_U2_GL/A (received 13/07/2011) and 501015/SLP1 (received 19/07/2011)

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 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.

4. The level of noise emitted from the plant/machinery 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.

5. 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.

6. No delivery vehicles may arrive, depart, be loaded or unloaded within the site between 20:30 hours and 07:00 hours Monday to Saturday or at any time on Sundays or Bank Holidays without prior approval from the Local Planning Authority.

Reason:

To safeguard the residential amenities of occupiers of neighbouring properties.

7. Between the hours of 9pm and 7am Monday to Saturday, 9pm to 11am Saturday night to Sunday/ bank/public holiday* morning, 5pm to 7am Sunday/bank/public holiday* afternoon to Monday morning no activity shall take place within the building which is audible from the boundary of the nearest residential property. *excluding Christmas Day, Boxing Day, Easter Sunday and New Years Day when no activity whatsoever shall take place within the building.

Reason:

To safeguard the residential amenities of occupiers of neighbouring properties.

8. The premises shall only be operational between 0700 hrs to 2100 hrs Monday to Saturday and between 1100 hrs to 1700 hrs on Sundays and bank and public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Years Day when the premises shall be non operational.

Reason:

To ensure that the amenities of neighbouring residents are not prejudiced by the development.

9. A scheme for acoustic fencing between Unit 2 and 'Waterworks Cottages' shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

10. No activity associated with the operation of the business shall take place at the rear of the building.

Reason:

To accord with recommendations in the Acoustic Report submitted, to ensure the industrial activity on the site is contained within the building and to safeguard the amenities of occupiers of adjoining and neighbouring 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 (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GParking, GEMP1, GEMP2, GEMP3, GEMP4, ENV12, ENV13, D1, D2, M1, M2, M11, M12, M13, M14, M16, M17, EMP1, EMP2, EMP3, EMP8.
Core Strategy (Publication Stage) 2010: CS5, CS8 and CS9.
 - ii) The proposal is acceptable for the following reason(s): -
The proposal will promote and protect employment in the borough. The proposed development is appropriate for this Primary Industrial Site. The proposal is not considered to harm residential amenity, subject to suggested conditions and the proposal accords with the aforementioned policies.
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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development.

Planning Policy Statement 4 (PPS4) - Planning for Sustainable Economic Growth.

Planning Policy Guidance 13 (PPG13) - Transport.

The Mayor's London Plan: July 2011

Various including 4.1.

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, GParking, GEMP1, GEMP2, GEMP3, GEMP4, ENV12, ENV13, D1, D2, M1, M2, M11, M12, M13, M14, M16, M17, EMP1, EMP2, EMP3, EMP8.

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, CS8 and CS9.

Relevant Development Management Policies DPD:

DM14 and DM17.

Relevant Planning History:

Brunswick Industrial Park, Brunswick Way, London, N11 1JL

Erection of 4 light industrial/storage and distribution units with associated car parking and landscaping. Formation of 2.1m high acoustic fencing around site. Conditional approval 25/06/2010.

Unit 12-14, Brunswick Industrial Park, Brunswick Way, London, N11 1JL

B/02457/09 - Addition of use class B1(c) (light industrial) and use class B2 (general industrial) to the existing consent for class B8 (storage & distribution) and the extension of operating hours to 7am-9pm Monday-Saturday and 11am to 5pm Sundays and bank/public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Year's Day. Conditional approval 14/10/2009.

Unit 11, Brunswick Industrial Park, Brunswick Way, London, N11 1JL

B/02089/11 - Addition of use class B1(c) (light industrial) to the existing consent for use class B8 (storage & distribution) and the extension of operating hours to 7am-9pm Monday-Saturday and 11am to 5pm Sundays and bank/public holidays excluding Christmas Day, Boxing Day, Easter Sunday and New Years Day.
CURRENT APPLICATION - also on this agenda.

Unit 8, Brunswick Industrial Park, Brunswick Park Road, London, N11

N00489AR- Variation of conditions 2 and 3 of planning permission N00489AQ for use as a trade builders merchant to allow working and deliveries on Bank Holidays. Refused 08/10/1993.

N00489BA- Change of use from trade builders merchant to storage and distribution (use class B8). Conditional approval 19/11/1996.

Unit 5, Brunswick Industrial Park, Brunswick Park Road, London, N11

N00489AS- Change of use from light industrial (class B1) to storage and distribution (class B8). Conditional approval 14/02/1994.

N00489BB - Change of use of unit from warehouse and storage (class B8) to light industrial (class B1). Conditional approval 14/11/1996.

Consultations and Views Expressed:

Neighbours Consulted: 297
Neighbours Wishing To
Speak

Replies: 9

The objections raised may be summarised as follows:

- Increased levels of traffic
- Increased congestion
- Traffic has already increased since permission was granted at Units 12-14
- Undue noise and disturbance
- Noise has already increased since permission was granted at Units 12-14
- Potential noise in the early morning and evening
- Noise from trucks and deliveries
- Light industrial units are inappropriate so close to a residential area

- Noise from machinery and roller shutters opening will be unacceptable at the proposed times
- Houses nearby vibrate due to the size and nature of vehicles accessing the estate
- Only the main gate should be used, not the entrance on Waterfall Road - this should be conditioned
- Unacceptable levels of pollution
- Concerns regarding pedestrian safety - especially for elderly residents
- Unacceptable in a predominately residential area
- Loss of privacy
- Loss of property value.

Internal /Other Consultations:

- Traffic & Development -

The proposal is for the B1 (Light Industrial) Use Class to be added to the existing B8 (Storage and Distribution) Use Class, and extension of operating hours.

No changes are proposed to vehicle access or parking provision.

It is considered that the overall amount of trips generated by the proposed change of use will be similar to the existing situations therefore there will no adverse impact on the public highway.

The proposal is not expected to have a detrimental impact on the public highways and is considered acceptable on highways grounds.

- Environmental Health -

Relevant to this case is the acoustic noise report referenced: aulos12/4/2011. This applies to unit 2 and 11.

Environmental Health are satisfied with the review of previous noise measurements and traffic data. The BS4142 indicates that complaints are unlikely with current design. The units act as a noise shield to the residential where deliveries are at the front.

Various conditions and informatives are suggested in line with recommendations in the acoustic noise report to safeguard the residential amenities of neighbouring occupiers.

Subject to conditions, not objection is raised to the proposed development.

- Campaign For Real Ale (CAMRA) - No response received.
- London Borough of Enfield - No response received.

Date of Site Notice: 04 August 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site forms part of the Brunswick Park Industrial Estate - a Primary Industrial Estate located on the eastern side of the borough.

The units have a mix of B1 (c) (light industrial), B2 (general industrial) and B8 (storage and distribution) use classes. The buildings are all of 1 or 2 storeys in height and parking is readily available on site.

The site has two entrance and exit points - the first off Brunswick Park Road (to the west) and the second off Waterfall Road (to the east).

Unit 2 is located on the western side of the site, the closest residential properties are No's 62 to 82 Brunswick Park Road.

Proposal:

The proposal seeks to change the use of unit 2 from the existing light industrial use (Use Class B1(c)) to a flexible use consisting of storage and distribution (Use Class B8) and light industrial (Use Class B1(c)).

The proposal also seeks to widen the operating hours as follows:

- On weekdays and Saturdays it is proposed to extend the operating hours to allow opening from 7am to 9pm.
- On Sundays, Bank and Public Holidays it is proposed to operate from 11am to 5pm.

Planning Considerations:

Employment Use

The government's objectives for the development of industrial and commercial land are set out in PPS4 - Planning for Sustainable Economic Growth.

Brunswick Industrial Estate is an important employment location, reflected in its identification as a Primary Industrial Location in the Barnet Unitary Development Plan 2006 (see Table 10.2).

One of the six objectives of the *London Plan* is to make London a more prosperous city, with a strong and diverse economic growth.

The Barnet Unitary Development Plan (2006) identifies the site as a Primary Industrial Estate. The site is considered to be a very important contributor to the local economy and policy seeks to promote employment use in this area.

Chapter 10 (Employment, Business and Industry) of Barnet's Adopted Unitary Development Plan (2006) aims to protect, provide and consolidate appropriate employment sites to meet the needs of businesses in the borough. The policies are supported by research commissioned by the council to identify future demands for employment land in the borough. This aim is carried forward in the emerging Core Strategy and Development Management policies.

Employment land in Barnet is a principal source of jobs for the borough's residents, hosting a range of light industry, general industry, offices, storage businesses and distribution (para. 10.1.20 of the UDP). A key aim of the local plan is to protect employment land.

In order to achieve the objectives of national and regional policy the council has identified the following strategic policies for employment-related land use in the borough which are relevant to this application.

- Policy GEMP1 states that the council will seek to consolidate and promote employment use classes (B1, B2 or B8) on the borough's primary industrial sites and business parks and safeguard them against redevelopment for non-business or non-industrial uses. Brunswick Industrial Estate is considered a Primary Industrial Site and as such the use classes proposed in this application should be encouraged. The Council is supportive of B1, B2 and B8 uses in such locations and the change of use is appropriate.
- Policy GEMP2 states that the council will seek to provide and promote sites and areas appropriate for the needs of all business, industry and warehousing activities, whilst giving careful regard to the environment. The proposal will accommodate a wider range of uses on the site and encourage the continued use of these units, contributing to employment in the borough.
- Policy GEMP3 encourages the creation of the maximum number and quality of jobs, consistent with other policies in the Plan. This proposal is considered to accord with GEMP3 as the change of use of use will increase the flexibility of this light industrial unit, making it more attractive for future employers.
- Policies GEMP4 and EMP2 seek to retain and protect employment land. The proposal will retain the industrial floorspace and encourage new tenants.
- Policy EMP1 is also key to this application as it relates to primary industrial sites and business parks. The policy seeks to ensure that planning permission will not be granted to redevelop or change the use of industrial sites to other uses than B1, B2 and B8. The proposal accords with this criteria.
- Policy EMP3 states that the expansion, conversion or redevelopment or premises for uses falling within class B1, B2, B8 or similar uses will be permitted in the borough's Primary Industrial Sites and Business Parks provided that:
 - i. The development would not adversely affect residential amenity or highway and traffic conditions; and
 - ii. Would not lead to a significant reduction in employment provided on the site; and
 - iii. The resultant trip generation is catered for by the most sustainable means.

With regard to policy EMP3 the proposed development is considered acceptable by the Highways Team at the London Borough of Barnet and is therefore not considered to affect highway and traffic conditions. A Transport Statement was received as part of the application and this has been reviewed by the Highways Team.

Residential Amenity

All the relevant policies listed above should not override the needs or neighbouring residential occupiers and policy EMP3 states that development should not adversely affect residential amenity. All policies within the UDP seek to ensure that residential amenity is protected.

Noise can have a considerable impact on the quality of life of people living or working in the borough and it is therefore important to minimise noise disturbance by exercising planning control on new development. The majority of objections to this scheme relate to the possible increase in noise and disturbance. The UDP advocates that planning conditions can be used to control the operating hours or influence the layout and design of buildings in order to reduce the effects of noise generating development. Policy ENV12 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted and policy ENV13 states that where development is proposed close to a source of noise generation the council will require applicants to minimise the effect of noise through design, layout, landscaping and insulation. The proposed conditions reflect this and seek to ensure noise is limited and the existing relationship is not significantly altered.

The Environmental Health Team have been consulted as part of the application and agree that the amended development description will not cause a statutory nuisance nor harm residential amenity. Conditions have been suggested by Environmental Health to ensure this and mitigate against any noise breakout. In addition, a restriction on deliveries to and from the site will be imposed. No deliveries will be permitted on Sundays and Bank Holidays as a result of this planning application.

The proposed use of the premises on Sundays and Bank Holidays is considered to be appropriate. Whilst there would be additional comings and goings of staff this would be for a limited period in the middle of the day and be against the background of existing traffic background noise in the area. The recommended conditions require operations to be contained within the building to reduce any impact in terms of noise and disturbance.

It is important to note that properties on Ryhope Road are some 100m from this site, properties on Brunswick Park Road are some 30m from the site and properties on Waterfall Road are approximately 170m away. All these properties border the Industrial Park itself, however, the application does not relate to all units on the site - only Unit 2. The nearest residential properties to the application site form a row known as 'Waterworks Cottages' off Brunswick Park Road, 15m away, approximately 6m from the shared rear boundary. These properties are sited to the rear of the building, where noise breakout will be limited. Noise breakout will be further reduced with the fencing being upgraded to provide an acoustic barrier.

Relevant Cases

It is important to note that planning permission was recently granted (in October 2009) for a similar application at Units 12-14 Brunswick Industrial Park. This permission granted the same hours to that proposed, with the addition of a B2 general industrial use. These units were previously B8 Storage.

This case forms a material consideration in this case as the principle has been established at the Industrial Estate.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly addressed in the appraisal. Loss of property value is not a material planning consideration.

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

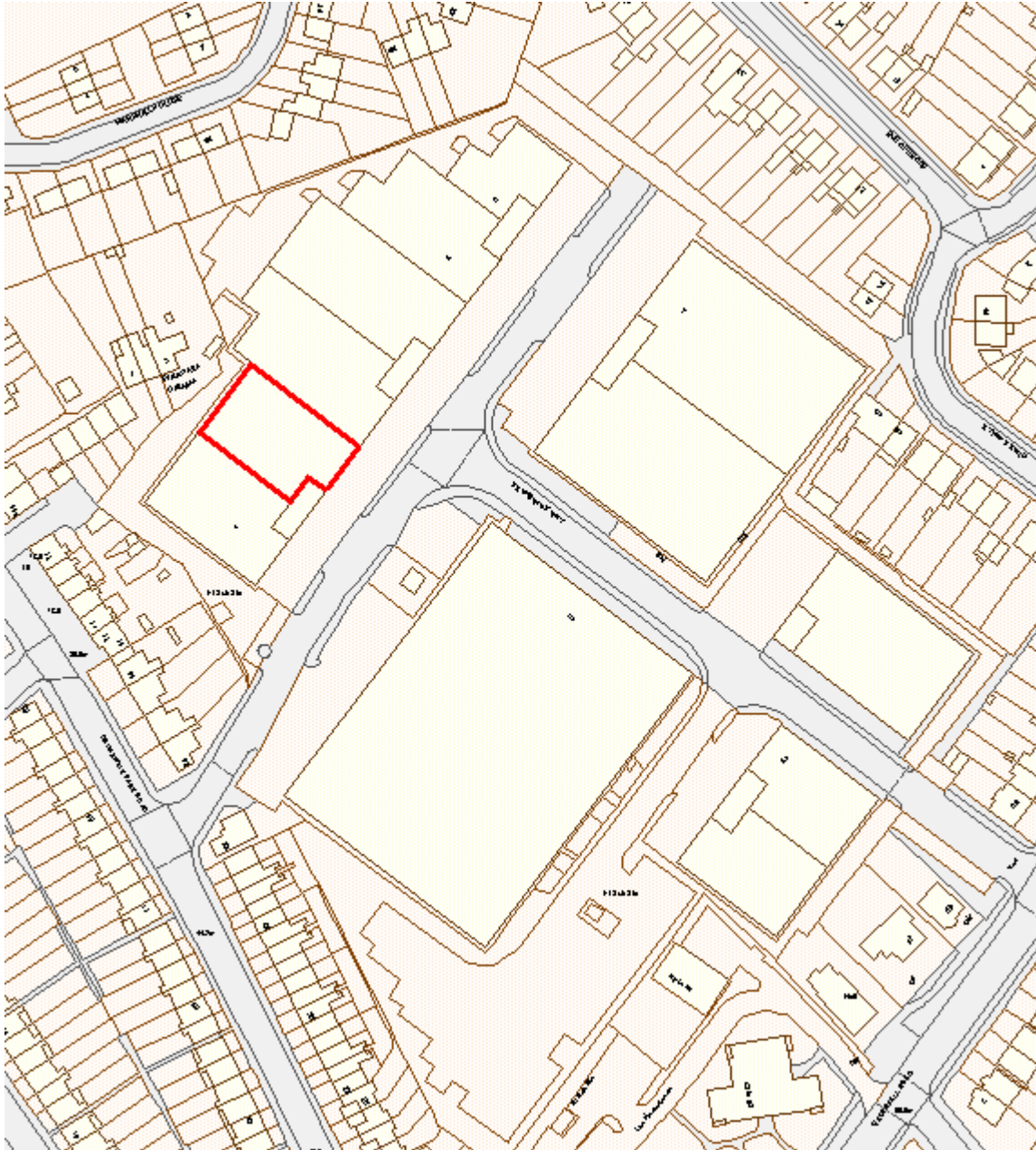
PPS4 encourages proposal for the economic development, unless negative social or environmental impacts can be demonstrated. The application is not considered to harm neighbouring residential amenity and the application will promote economic development. Accordingly, approval is recommended, subject to conditions.

SITE LOCATION PLAN:
London, N11 1JL

Unit 2, Brunswick Industrial Park, Brunswick Way,

REFERENCE:

B/01989/11



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LOCATION: 34 Grange Avenue, Barnet, Herts, EN4 8NL

REFERENCE: B/03369/11

Received: 10 August 2011

Accepted: 16 August 2011

WARD(S): Brunswick Park

Expiry: 11 October 2011

Final Revisions:

APPLICANT: Ms Brar

PROPOSAL: Single storey side and rear extension following removal of existing shed.

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: GA/001, Elevations, Site location plan (unnumbered) (date received 16-Aug-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 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. 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 additional windows in the flank elevation of the extension facing No.32 Grange Avenue.

Reason:

To safeguard residential amenity.

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.

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): GBEEnv1, D1, D2, D5, H27.
Supplementary Design Guidance Note 5: Extensions to Houses.

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 host property and the surrounding locality. The proposal would result in a harmonious form of development which would not have an adverse impact on the residential or visual amenities of the neighbouring occupiers. The proposal is considered to accord with council policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1 - Delivering Sustainable Development

The Mayor's London Plan: July 2011: Various

Relevant Unitary Development Plan Policies: GBEEnv1, D1, D2, D5, H27.
Supplementary Design Guidance Note 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: 36 Grange Avenue

B/01754/11 Single storey side and rear extension. Conditional Approval 15/06/2011.

Consultations and Views Expressed:

Neighbours Consulted: 4
Neighbours Wishing To
Speak

Replies: 0

2. PLANNING APPRAISAL

Application reported to committee as the applicant works in the planning policy team.

Site Description and Surroundings:

The application site relates to a right sided semi-detached single family bungalow located on the northern side of Grange Avenue. This road is residential in character largely comprised of both bungalows and two storey dwellings. The application site forms part of a group of bungalows (No's 26-36) which can be said to have a group value.

Proposal:

This application seeks consent for a single storey side and rear extension.

The side extension would be 1.4m wide, 7.1m deep and 3.7m high with a pitched roof, 2.8m to the eaves. This extension would be set back from the most forward part of the bungalow by 5m and would be largely hidden by the existing garage which is to be retained. The side extension would be set off the boundary with No.32 by 1.1m.

The single storey rear extension would have a staggered depth. The depth along the boundary with adjoining property No.36 would be 3.5m, maintained for a width of 4.35m at which point the depth will then increase to 5.5m from the original rear wall. There is an existing lean to structure which runs the length of the property, extending from the garage structure to the front as well as a shed to the rear along the boundary with No.34 which will be demolished to make way for this extension.

The shed and the lean to structure results in built form extending from the rear wall of the subject property along the boundary with No.32 to a depth of 3.5m.

Planning Considerations:

The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. Extensions to houses, both individually and cumulatively can have a profound effect on the appearance of neighbourhoods and of the street scene and on the amenities enjoyed by the occupiers of adjoining properties. Extensions to properties should reflect the design of the original building, have regard to the character of the area and amenity enjoyed by the neighbours. This means making sure the extension does not disrupt the neighbours' enjoyment of their own home, garden or neighbourhood.

The proposed extensions are considered to be an appropriate and acceptable form of development at this site. Council design guidance states that single storey rear extensions on semi-detached properties with a depth of 3.5m are generally acceptable. The depth of 3.5m along the boundary with No.36 who have also extended to the rear accords with this

guidance. Whilst the proposed extension would extend slightly beyond that built at No.36, this minor projection is not considered to have an harmful impact on the amenities of the occupiers of No.36. The depth of the extension closer to the boundary with No.32 would be deeper than council guidance however No.32 have a similar assortment of lean to's and sheds to the rear as existing on the application site. There is a larger shed on the site of No.32 along the boundary and the proposed rear extension would extend some 0.7m beyond this. This is not considered to result in a overbearing form of development as a result of the built form along the boundary on the site of No.32 shielding the proposed extension. The proposed side extension is not considered to have an adverse impact on the amenities of the neighbouring occupiers as a result of its size and siting.

The proposed extensions are considered to be in keeping with the character and appearance of the property and the surrounding locality. The extensions will not be highly visible from the street as a result of being behind the garage structure and therefore the visual impact of the extensions is minimal. During the site visit, numerous similar extensions were noted and therefore it is considered that the proposed extensions would not detract from the established character and appearance of the locality.

3. COMMENTS ON GROUNDS OF OBJECTIONS

No objections 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

This application is recommended for approval subject to conditions.

SITE LOCATION PLAN: 34 Grange Avenue, Barnet, Herts, EN4 8NL

REFERENCE: B/03369/11



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LOCATION: Land at rear of Units 5 and 6, Friern Bridge Retail Park,
Pegasus Way, London, N11 3PW

REFERENCE: B/02928/10 **Received:** 13 July 2010
Accepted: 13 July 2010

WARD(S): Coppetts **Expiry:** 07 September 2010

Final Revisions:

APPLICANT: Legal & General Assurance Society Ltd

PROPOSAL: Change of use of 906m² of the existing rear service area to a shop use (use class A1) to create an external garden centre, formation of new hard standing and erection of a fence to provide a means of enclosure to the garden centre. External alterations to Unit 5 to remove an existing roller shutter door and fire exit and create a new door to provide access between Unit 5 and the proposed garden centre. Relocation of 25 existing car parking spaces and the provision of a new enclosed waste and recycling storage area.

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
1183 URB GC [08] 00 01 Revision P02, 1183 URB GC [08] 00 02 Revision P02, 1183 URB GC [08] 00 03 Revision P02, 1183 URB GC [08] 70 02 Revision P01, 1183 URB GC [08] 70 01 Revision P01, Design and Access Statement Sustainability and Energy Statement, Transport Statement, PPS4 Assessment by Burnett Planning & Development (date received 13-Jul-2010).

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 work whatsoever in connection with the development hereby permitted shall be commenced until the following works the subject of planning permission ref B/03165/10 have been implemented and are operational:

Enclosure of 582m² of existing rear service yard with a fence and formation of a new hardstanding to form secure service yard and storage area. Erection of a canopy over 273m² of the proposed secure service yard and storage area. Provision of a 4m high acoustic fence adjacent to the service yard security fence and provision of a further 4m high acoustic fence to enclose the wider service area at the rear of units 3, 4 and 5. The works described above shall be permanently maintained and operated in conjunction with the development hereby approved.

Reason:

To ensure that appropriate servicing and parking arrangements together with the appropriate noise mitigation measures are provided for the proposed development in the interests of highway and public safety and in the interests of residential amenity.

4. The garden centre hereby permitted shall not be brought into use prior to the opening for trade of the new single unit comprised of units 3, 4 and 5 as shown in planning permission B/03165/10. The garden centre shall not at any time thereafter be used as a free-standing or independent operation and shall only be used in conjunction with units 3, 4 and 5.

Reason:

To ensure that the proposed development operates in accordance with the scheme that was assessed in the PPS4 Assessment accompanying the application that demonstrated that the development as proposed would not prejudice the vitality/viability of neighbouring town centres and met the sequential test.

5. Deliveries to the site shall only be carried out as follows unless otherwise specified in writing by the Local Planning Authority:

Up to 2 HGV's per hour between 0700-1900 and up to 1 HGV per hour between 1900-2100 and no unloading of vehicles to take place later than 2100 Monday to Friday.

Up to 2 HCV's per hour between 0800-1900 on Saturday.

Up to 2 HCV's per hour between 1100-1500 on Sundays, Public and Bank Holidays.

Reason:

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

6. All activities generated by or associated with the operation of the B & Q store and garden centre must not exceed the 1 hour LAeq by more than 3dB as measured in the Noise Impact Assessment Ref: 10/4270/r1/Issue 1, excluding the agreed exceedance at AP4 as shown in Schedule 10/4270/SCH5 of the assessment.

Reason:

To prevent undue noise and disturbance arising from the proposed development and to safeguard residential amenity.

7. 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 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.

8. The use hereby permitted shall not operate before 0700 or after 2100 on weekdays including Saturdays, before 1000 or after 1600 on Sundays or before 1000 or after 1600 on Public Bank Holidays (excluding Christmas Day and New Years day).

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

9. The B & Q Service Area Management Plan shall be kept on site at all times. The management plan shall be adhered to and enforced by B&Q Managers at all times.

Reason:

To ensure full compliance with the B&Q Service Area Management Plan and to minimise noise and disturbance.

10. 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. Except as may otherwise be agreed in writing by the Local Planning Authority the development the subject of this application or any part thereof shall only be used for retail sales within the following categories and for no other purpose (including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) order 1987) or in any provision equivalent to that Class in any Statutory Instrument amending or evoking and re-enacting that order:-
- a. Electrical goods including domestic appliances;
 - b. Goods for home improvement, maintenance, repair or decoration, do-it-yourself and builders merchants products including ironmongery and plumbing goods;
 - c. Timber, furniture, furnishings, floor coverings;
 - d. Goods for garden improvement and maintenance, including plants;
 - e. Motor parts and accessories;
 - f. Good and drink for consumption on the premises where the primary purpose of the use of the premises is for the sale of goods other than food and drink.

Reason:

To ensure that the development complies with the terms of the planning application and that the trading effects of the development upon existing centres is not significantly greater than anticipated in the PPS4 assessment which accompanies the application.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006): GSD, GParking, ENV12, ENV13, GBEnv1, D2, M11, M12, M13, M14, M17, GTCR1, TCR1, TCR7.

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, the retail park and the surrounding locality. It is not considered to have a detrimental impact on the residential amenities of the neighbouring occupiers and subject to conditions is not considered to result in undue noise or disturbance. It is considered to accord with the aforementioned policies and the guidance set out in PPS4.

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: July 2011

Policy 4.7 - Retail and Town Centre Development
Policy 6.13 - Parking

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, GBEnv2, GBEnv3, GParking, GEMP1, GEMP2, GEMP3, GEMP4, ENV12, ENV13, M1, M11, TCR7.

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

Relevant Development Management Policies:

DM01 Protecting Barnet's character and amenity
DM03 Accessibility and inclusive design
DM14 New and existing employment space

Relevant Planning History:

B/03165/10 Enclosure of 582m² of existing rear service yard with a fence and formation of a new hardstanding to form secure service yard and storage area. Erection of a canopy over 273m² of the proposed secure service yard and storage area. Provision of a 4m high acoustic fence adjacent to the service yard security fence and provision of a further 4m high acoustic fence to enclose the wider service area at the rear of units 3, 4 and 5. Installation of 143m² internal first floor staff amenity area and 29.5m² internal first floor staff office. External alterations to units 3, 4 and 5 including insertion of new windows, doors, roller shutter access. Removal of existing doors and roller shutter access. Still under consideration - *also on the agenda for the East Sub Committee meeting on 6th October 2011*

B/03069/10 Erection of two sprinkler tanks and pump house, provision of new concrete plinth on which tanks and pump house are to be located and installation of new bollards to provide vehicle impact protection. Still under consideration - *also on the agenda for the East Sub Committee meeting on 6th October 2011*

B/03576/10 The proposed use of Units 2, 3, 4, 5, 6, 7, 8, 10 and 11 for unrestricted Class A1 sales (S192). Refused 09/11/2010. Allowed at Appeal 20/07/2011

B/04790/11 The proposed use of Units 2, 3, 4, 5, 6, 7, 8, 10 and 11 for unrestricted Class A1 sales (S192). Unlawful. 01/02/2011

B/02866/09 Installation of mezzanine level and converting into 2no separate retail units with associated changes to shopfront. Lawful. 05/10/2009.

HQ/C03069BV Residential development on an area of nine hectares (22.2 acres) at an average density on that land of up to 210 habitable rooms per hectare. (85 habitable rooms per acre). Up to 17, 500 square metres (188,379 sq ft) non food retail space on an area of five hectares (12.4 acres). Educational use on an area of one hectare (2.5 acres). Together with open space, roads (including footpaths) with connections to Colney Hatch Lane, Friern Barnet Road and North Circular Road to serve the development and landscaping (OUTLINE). Conditional Approval 03/09/1993.

Consultations and Views Expressed:

Neighbours Consulted: 164
Neighbours Wishing To
Speak

Replies: 5

The objections raised may be summarised as follows:

- Normally these places are off the main road or motorway
- People work all week, want to have a restful time, not to be disturbed by deliveries or lorries with warning sirens
- In close proximity we already have at least 4 major DIY stores and garden centres.
- Undoubtedly increase traffic along the A406 and neighbouring roads which are already very congested

- Grave concerns over the increased level of noise created by the proposal and the pollution caused by additional traffic
- Need to give more consideration to the environmental concerns rather than commercial
- Currently the noise we hear is predominantly from morning deliveries
- As well as the noise from the lorries and vans and unloading activity, we regularly have to hear the extremely high volume of beat music and radios coming from delivery vehicles which can be described as anti-social behaviour
- Hope that planners will make an effort to set conditions related to noise and have some responsibility of care for the living environment of residents
- Overlooking and loss of privacy
- Loss of value to residential properties
- Effect on nature
- Use is not appropriate for the area
- Believe that the recycling/waste storage area is located unnecessarily far too close to existing houses especially when there is plenty of available space in the general service area next to the east perimeter fence away from houses
- Proposal will affect quality of life
- Concerned that piped music in the stores may be heard by residents close by
- Restrictions should be applied in respect of opening and working hours and deliveries and no piped music to be allowed outside in the garden centre

Internal /Other Consultations:

- Traffic & Development -

The proposal is for change of use of 906 sqm of the existing rear service area to the shop use (class A1) to create an external garden centre which will be used in connection with the B&Q store. The proposal includes relocation of existing 25 staff car parking spaces. Site visits indicated spare capacity in the car park both on weekdays and on a Saturday.

The change of use of part of the service area and re-location of car parking spaces are satisfactory and not expected to have a detrimental impact on the public highways.

The proposal is acceptable on highways grounds.

- Scientific Services - Environmental Health - See planning appraisal
- Trees and Landscape - No objections
- Environment Agency - No objection
- Natural England - No objection
- Thames Water Devt Control -

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the

receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing the site. In order to protect public sewers and to ensure that Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

- Veolia Water - No response received
- London Fire Brigade - No response received
- NHS Barnet (Barnet PCT) - No response received
- Metropolitan Police Service (CB) -

Barnet Borough Police have no objections in principle to the proposals.

The following points refer to possible enhancements to security and community safety at the site.

The Hera Zenith fencing, as specified, to be installed so as to enclose the site appears adequate in terms of reducing the risk of unauthorised access into the service yard and the garden centre.

Subject to any specified fire regulations at the development the applicants should, where possibly, be encouraged to install all the new replacement doors, windows and roller shutters to the following Police Service preferred security standards.

Doors: PAS 24:2007 or Loss Prevention Certification Standard. 1175 Security Rating 2

Windows: British Standard 7950:1997

Roller Shutters: Loss Prevention Certification Standard. 1175: Security Rating 2

All glazing installed in the doors and windows should consist of at least one pane of 6.4mm Laminated Glass. This is a security glass as opposed to toughened glazing which is a safety glass

Consideration must be given to the installation of a central station monitored intruder alarm at the premises. This should be installed to British Standard EN 50131 & PD6662 (wired system) or BS 677 (wire free system).

- Highways Agency - No objection
- Transport for London - No objection
- Transport for London, Road Network Development - No response received
- Transco - No response received
- National Grid Property - No response received
- Network Rail -

Development

Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement

Construction

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

- London Borough of Haringey - No objection
- London Borough of Enfield - No response received

Date of Site Notice: 05 August 2010

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to the land at the rear of units 5 and 6 Friern Bridge Retail Park which are located in the north and northwestern part of the retail park. To the north and east of the application site are residential properties on the former Friern Hospital Site. Running along the southern boundary of the site is the A406 North Circular Road. To the east is the main east coast railway line and to the west is an area of public open space.

Levels rise from south east to north west which means that the application site sits at a lower level than the residential properties to the north and east. There is a grass verge, tree screening and fencing to the north.

The subject of this application forms the existing service area on land between units 5 and 6. The application site also includes land to the rear of units 5 and 6 where it is proposed to relocate parking spaces and provision of a new recycling area. Unit 5 is also included within the application site.

Proposal:

This application seeks planning permission for the change of use of 906 sqm of the existing rear service area to a shop use (class A1) to create an external garden centre, formation of new hardstanding and erection of a fence to provide a means of enclosure to the garden centre. The proposal also includes external alterations to unit 5 to remove an existing roller shutter door and fire exit and create a new door to provide access between unit 5 and the proposed garden centre with the relocation of 25 existing car parking spaces and the provision of a new enclosed waste and recycling storage area.

The existing block paving in the service area is to be replaced by a level concrete surface on which the garden centre will be laid out. It would be an open garden centre, enclosed by fencing which is comprised of Heras 'Zenith' security mesh fence up to 2.5m with a welded mesh of 1.8m high above and barbed tape above. To protect plants within the garden centre a windbreak mesh is proposed behind the fencing up to 4.2m high.

The garden centre would extend from the side of Unit 5 by a maximum of 48m and would extend from the side of unit 6 by a maximum of 30.5m, effectively infilling the land between the two units. The garden centre is not proposed to extend beyond the rear of unit 5 or 6.

The recycling area would be to the north of the garden centre, in an area which is currently used for parking, adjacent to the existing sub-station. The recycling area will be enclosed with 2.4m high fencing on all sides. This recycling and refuse store will be used by the B&Q store only.

Twenty five existing staff car parking spaces will be relocated within the space at the rear of the units 5 & 6.

Other alterations include the formation of a new opening in the north eastern elevation of unit 5 to allow access between the garden centre and unit 5 and the removal of an existing roller shutter door and fire exit and cladding reinstated to match the existing.

B&Q intends to locate to the retail park, in units 3, 4 and 5 with the addition of the garden centre. Planning permission is not required to remove internal walls thus amalgamating the three units and the units currently have unrestricted A1 use. Therefore this application is not assessing the proposed use of the units but rather than additional retail floor space (the garden centre) and the other alterations outlined above.

Service area provision for the garden centre, which it is intended would operate solely in conjunction with units 3, 4 & 5 would be provided as part of application ref B/03165/10 as would acoustic screening to that area. It is necessary therefore to require that the service area etc is provided prior to the implementation of the garden centre element to ensure that satisfactory servicing arrangements are available and the recommendation has been constructed to secure this imperative.

Planning Considerations:

PPS4: Planning for Sustainable Economic Growth was published on 29 December 2009 and replaces PPG's 4 and 5, PPS6 and parts of PPS7 and PPG13. The document is accompanied by a Practice Guide – Planning for Town Centres. The Statement sets out the overarching policy objectives to promote sustainable growth and confirms planning applications that secure sustainable economic growth should be treated favourably. However, all proposals should be considered having regard to their impact on climate

change; accessibility; design; regeneration and employment (Policy EC10.2). These considerations will need to be assessed thoroughly by the local planning authority.

Two tests have to be met – the sequential approach and the impact test. On this basis, while ‘need’ remains an important consideration which informs emerging policy, and can be a material consideration in favour of a proposal and/or relevant to the sequential approach and consideration of impact, absence of ‘need’ per se is not a valid reason for refusal in the case of the proposals. The sequential approach remains largely unchanged, and the ‘new’ impact test requires applications in edge and out-of-centre locations to consider the impact on:

- planned investment;
- the vitality and viability of a centre;
- allocated sites outside town centres being developed in accordance with the development plan;
- in-centre trade/turnover and on trade in the wider area;
- whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres; and
- any locally important impacts on centres.

While the overall tone of the Guidance is supportive of economic development, it makes clear that edge or out of centre proposals including ‘town centre’ uses, are properly supported by sequential site assessments and a thorough assessment of impact.

In planning policy terms the site would be appropriately defined as out-of-centre. Policy EC14.1 defines applications for main town centres uses include ‘any applications which create additional floorspace, including applications for internal alterations where planning permission is required’.

When considering planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan, PPS4 requires the following supporting evidence to be considered by the local authority:

- Sequential assessment; and
- Impact assessment.

In the case of this proposal, involving the development of new retail floorspace in an out-of-centre location, the policy requires the applicant to consider the degree to which the proposals could be accommodated on more centrally located sites that would be sequentially preferable.

In applying the approach, developers should be able to demonstrate in seeking to find a site, in or on the edge of the existing centre, that they have been flexible about their proposed business model, giving consideration to, inter alia, scale, reducing the floorspace of the development in terms of format, more innovative site layouts and floor configurations with smaller footprints, and car parking. However, local authorities should also take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating its business model from sequentially preferable sites.

PPS4 advises that where it is argued that otherwise sequentially preferable sites are not appropriate for the particular development, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of availability, suitability and viability.

The guidance also requires applicants to undertake impact assessments to consider the effects of this proposal on the vitality and viability of existing centres, including the likely cumulative effect of recent permissions, and to consider the effects of the proposals on, inter alia; the spatial planning strategy for the area; future public or private sector investment; impact on trade/turnover, taking into account current and future consumer expenditure up to five years from the time the application is made; and any locally important impact on centres defined by the local planning authority.

Policy EC17.1 in PPS4 directs local planning authorities to refuse planning permission where the applicant has not demonstrated compliance with the requirements of the sequential approach.

A PPS4 assessment was submitted as part of the application which has been independently reviewed by Nathaniel Lichfield and Partners (NLP).

It is important to discuss both the relevant planning history and the lawful use of the units when considering this proposal. The retail park was developed pursuant to outline planning permission HQ/C03069BV which was granted on 3rd September 1993. Within this permission a number of conditions were imposed in respect of a restriction on retail floor space and goods to be sold;

Condition 15 - states that no retail unit shall be constructed or adapted to create a unit of more than 6,000sqm or less than 750sqm. The amalgamation of units 3, 4 and 5 would result in a single unit with a retail floorspace of 4,665sqm gross which would fall within the unit size parameters set out by this condition.

Condition 16 - states that the premises may only be used for the sale of electrical goods, goods for home improvement, maintenance, repair or decoration, do-it-yourself and builders merchants products including ironmongery and plumbing goods, timber furniture, furnishings and floor coverings, goods for garden improvement and maintenance including plants, motor parts and accessories, food and drink for consumption on the premises where such sales take place within a retail unit for which the primary purpose is for the sales of goods rather than food and drink. The range of goods which would be sold by B&Q would be within the range of permitted goods as set out in this condition and the applicants have agreed that these restrictions can be imposed by condition.

Planning permissions exist to subdivide units 3, 4 and 5 and provide internal mezzanine levels and works have been undertaken to implement these permissions. Certificates of lawfulness have been granted to confirm that these works commenced within the time period granted.

The lawful use of the six retail units to be created is unrestricted Class A1 use as confirmed in the appeal decision reference APP/N5090/X/5/2004608 dated 19 July 2006. Therefore it is possible for there to be six unrestricted A1 use units within units 3, 4 and 5.

Sequential and Impact Assessment has been carried out has been carried out by the applicants which is considered to demonstrate compliance with the provisions of PPS4 in terms of sequential site and impact assessment.

PPS4 indicates that retailers should not be expected to split their business model, but must demonstrate flexibility and the scope for disaggregation. The applications have argued that the B&Q store and garden centre cannot be disaggregated and NLP are satisfied that this is

the case. However it is possible for the need to be met by a smaller store. The only development site large enough to accommodate a DIY store of the type proposed is 931 High Road, North Finchley. There appears to be no other town centre sites or vacant units large enough to accommodate a large DIY store allowing for appropriate flexibility. However whilst there may be another site which could accommodate a B&Q in a town centre, the fall back position at Friern Barnet Retail Park must be taken into consideration. Without the garden centre, B&Q can occupy units 3, 4 and 5 with a gross floorspace of approximately 4665sqm. The fall back position allows six sub-divided units which have unrestricted retail use. It is considered that this fall back position is more likely to direct trade away from town centres which would have a significant impact on the vitality and viability of local town centres and on this basis, it is considered that the proposed occupant and use would be more appropriate.

In terms of retail impact, this is not likely to be significant. It is not considered to have a significant impact on town centre vitality and viability including local consumer choice and the range and quality of the comparison and convenience retail offer. Given the types of goods to be sold by B&Q it is not considered that it would result in a competitive effect on town centres. It is not considered to result in the loss of trade within town centres, particularly Whetstone, North Finchley and East Finchley or within the smaller local shopping areas of Friern Barnet and Colney Hatch. There are not any similar types of businesses in East Finchley. In North Finchley there is a Homebase and a B&Q in Whetstone. Within the PPS4 assessment submitted as part of the application it indicates that both the Homebase and the B&Q are trading considerably above their benchmark levels which is an indicator of a lack of local choice and that these stores may be experiencing high customer visitation possibly as a result of a lack of choice in similar facilities within the catchment area. The analysis carried out by NLP indicated that the reoccupation of vacant units and extant planning permissions on the retail park will significantly increase the overall turnover of the retail park and once again it is considered that the proposed occupant and use would be more appropriate and would have a significantly less impact on town centres and NLP are satisfied with the retail impact assessment carried out by the applicants.

It is considered that the proposal does accord with the guidance set out in PPS4 and the relevant policies within the adopted UDP.

The proposed garden centre is considered to be compatible with the use of this site and the retail park in general. It is not considered to have an adverse impact on the character and appearance of the units themselves or on the surrounding locality. The enclosure is considered to be of an appropriate height and design.

The proposed recycling and refuse store would be minimum of 15m from the flank wall of No. 7 Duchess Close and 28m from 6 Earl Close. Given this relationship it is not considered that this element of the scheme would adversely affect the visual or residential amenities of neighbouring residents. It would be well screened. This part of the site is already used as a service yard and subject to the recommended conditions the amenities of neighbouring residents would not be significantly affected by noise or disturbance.

The relocation of 25 existing car parking spaces to the rear of unit 6 is considered to be acceptable. The car parking spaces would be provided on an area of existing hardsurfacing and given that there is already existing car parking to the rear of the units, it is considered to be in keeping with the established character of the site and the retail park in general.

The general appearance of the proposed development is considered to be compatible with overall character and appearance of the site.

Residents concerns in respect of noise and disturbance arising from the proposed use are acknowledged and it is considered that subject to the imposition of the conditions as recommended, including the provision of an acoustic fence, the imposition of Sercie Area management Plan restricting the hours of delivery, the amenities of neighbouring residents would not be prejudiced by undue levels of noise and disturbance.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

- Impacts on property prices are not a material planning consideration

4. EQUALITIES AND DIVERSITY ISSUES

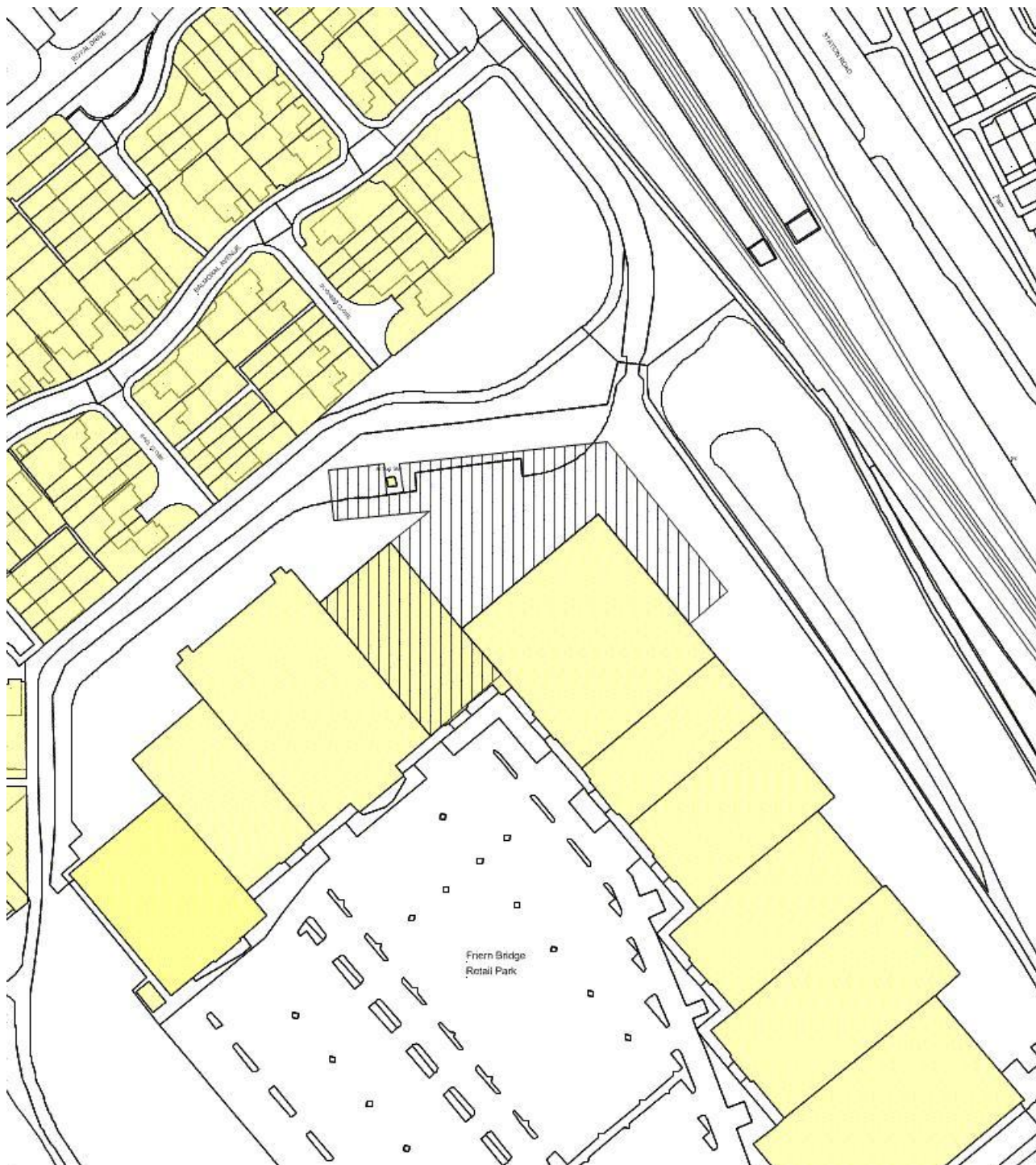
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposed development is considered to be an appropriate form of development on this established retail park. The independent assessment has been undertaken considers that the vitality/viability of other retail centres would not be adversely affected. Subject to the recommended conditions the development would not adversely affect the amenities of neighbouring residents and accordingly approved is recommended.

SITE LOCATION PLAN: Land at rear of Units 5 and 6, Friern Bridge Retail Park, Pegasus Way, London, N11 3PW

REFERENCE: B/02928/10



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LOCATION: Land at rear of Unit 3 Friern Bridge Retail Park, Pegasus Way,
London, N11 3PW
REFERENCE: B/03069/10
WARD(S): Coppetts

Received: 28 August 2010
Accepted: 28 July 2010
Expiry: 22 September 2010

Final Revisions:

APPLICANT: Legal and General Assurance Society Ltd

PROPOSAL: Erection of two sprinkler tanks and pump house, provision of new concrete plinth on which tanks and pump house are to be located and installation of new bollards to provide vehicle impact protection.

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
URB ST [08] 00 01 Revision P00, URB ST [08] 70 01 Revision P00, URB ST [08] 00 02 Revision P00, URB ST [08] 70 02 Revision P00, Planning, Design & Access Statement dated July 2010 (date received 28-Jul-2010), URB ST [08] 00 03 Revision P01 (date received 17-Jun-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 level of noise emitted from the pump house 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 any neighbouring property which existed 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 any existing neighbouring residential 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.

4. In the case of the emergency sprinkler pumps to be located on land at the rear of Unit 3, a relaxation of 20dB(A) of the plant noise levels is permitted for up to 30 minutes once a week within the hours of 0900-1700 only for equipment testing as required by law.

Reason:

To allow for essential testing of the sprinkler pumps and minimise noise and disturbance.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): ENV12, ENV13, GBEnv1, D2.

Core Strategy (Publication Stage) 2010: 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 Friern Bridge Retail Park and would not result in undue noise disturbance to the occupiers of neighbouring residential properties. The proposal is considered to accord with the aforementioned policies.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable

PPS24 - Planning and Noise

The Mayor's London Plan: July 2011

Policy 7.15 Reducing Noise and Enhancing Soundscapes

Relevant Unitary Development Plan Policies:

ENV12, ENV13, GBEnv1, D2.

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/03165/10 Enclosure of 582m² of existing rear service yard with a fence and formation of a new hardstanding to form secure service yard and storage area. Erection of a canopy over 273m² of the proposed secure service yard and storage area. Provision of a 4m high acoustic fence adjacent to the service yard security fence and provision of a further 4m high acoustic fence to enclose the wider service area at the rear of units 3, 4 and 5. Installation of 143m² internal first floor staff amenity area and 29.5m² internal first floor staff office. External alterations to units 3, 4 and 5 including insertion of new windows, doors, roller shutter access. Removal of existing doors and roller shutter access. **This application has been recommended for approval and is also on the agenda for this meeting.**

B/02928/10 Change of use of 906m² of the existing rear service area to a shop use (use class A1) to create an external garden centre, formation of new hard standing and erection of a fence to provide a means of enclosure to the garden centre. External alterations to Unit 5 to remove an existing roller shutter door and fire exit and create a new door to provide access between Unit 5 and the proposed garden centre. Relocation of 25 existing car parking spaces and the provision of a new enclosed waste and recycling storage area. **This application has been recommended for approval and is also on the agenda for this meeting.**

Consultations and Views Expressed:

Neighbours Consulted: 45
Neighbours Wishing To
Speak

Replies: 5

The objections raised may be summarised as follows:

- Residents are already subjected to unacceptable noise from delivery vehicles in the very early hours
- Concerned about noise emanating from the proposed storage/delivery yard
- Opening and working hours should be restricted
- Delivery/collection and vehicle movements should also be restricted
- Reduce the quality of life within the neighbourhood due to noise and air pollution and also reducing the value of property in our area
- The retail park B&Q proposal is right next to a residential area. Normally these places are off a main road or motorway.

Internal /Other Consultations:

- Traffic & Development - No objections
- Environmental Health - No objections, recommend conditions
- Refuse - No response received
- Thames Water Devt Control - No objections
- Veolia Water - No response received
- Network Rail - No comments

- National Grid Property - No response received
- Environment Agency - No objections
- Transco - No response received
- London Fire Brigade - No response received

Date of Site Notice: 12 August 2010

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to land at the rear of Unit 3 to the north-west of the Friern Bridge Retail Park. This land forms part of an existing service area and is hard surfaced. To the north and east of the application site are residential properties on the former Friern Hospital Site.

Levels rise from south east to north west which means that the application site sits at a lower level than the residential properties to the north and east. There is a grass verge, tree screening and fencing to the north.

Proposal:

This application seeks planning permission for the erection of two sprinkler tanks and pump house, provision of new concrete plinth on which tanks and pump house are to be located and installation of new bollard's to provide vehicle impact protection.

The galvanised steel sprinkler tanks would be 7.5m high and 7.6m wide. They would be positioned approximately 1.5m away from the rear of Unit 3. The proposed pump house would be 3.25m high, 6.5m wide and positioned in front of the sprinkler tanks some 16m from the rear northern boundary. The sprinkler tanks and pump house would sit on a concrete plinth.

The anti-ram bollard's would be 1.4m high, positioned around the concrete plinth.

Planning Considerations:

The proposed development is considered to have an acceptable impact on the character and appearance of the retail park and the general locality. They are designed to serve a particular function and their size has been dictated by the requirements to provide water to protect the building in the event of a fire. In terms of their siting, they have been located in such a way as to ensure that the use and function of the existing service yard is not impacted upon. Furthermore it is considered that the proposed development would not have any highway implications in terms of number of car parking spaces or vehicular movements.

The sprinkler tanks would not be higher than the retail units themselves and given the level change between the application site and residential properties to the north would not be highly visible nor would they harm the visual amenities of the locality.

In terms of amenity, the proposed development is not considered to have a detrimental impact on the amenities of the neighbouring occupiers to the north or east in terms of undue noise and disturbance. Environmental Health have raised no objections to the development subject to a condition in respect of noise from the pump house.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

- This application seeks permission for the erection of two sprinkler tanks, pump house and other associated equipment. It does not seek permission for a B&Q Superstore and therefore comments raised in respect of the B&Q Superstore are not relevant to this application

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

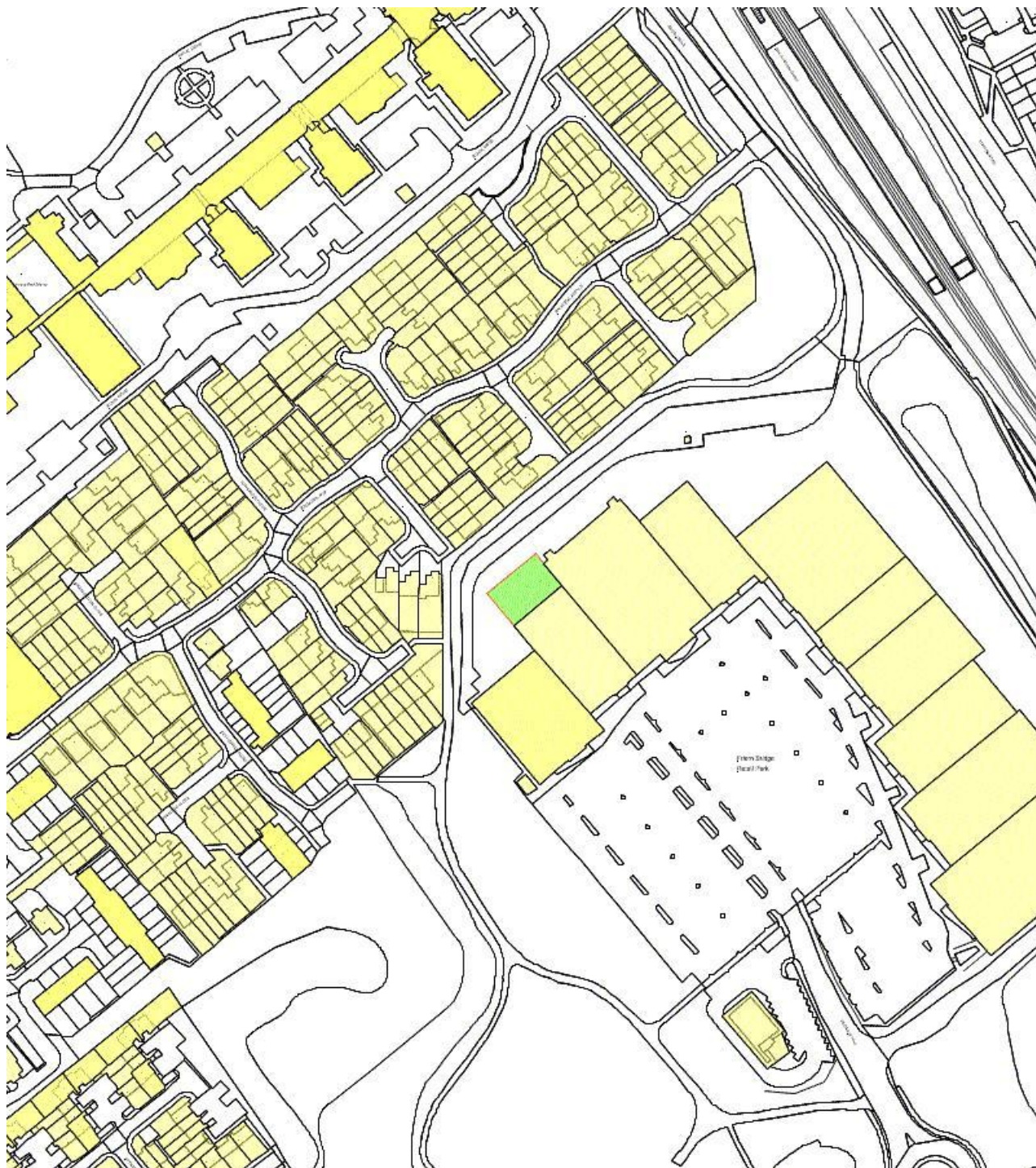
This application is considered to comply with council policies and guidance and is therefore recommended for approval subject to conditions.

SITE LOCATION PLAN:
Way, London, N11 3PW

Land at rear of Unit 3 Friern Bridge Retail Park, Pegasus

REFERENCE:

B/03069/10



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LOCATION: Units 3, 4 and 5 Friern Bridge Retail Park, Pegasus Way,
London, N11 3PW

REFERENCE: B/03165/10 **Received:** 06 August 2010
Accepted: 06 August 2010

WARD(S): Coppetts **Expiry:** 01 October 2010

Final Revisions:

APPLICANT: Legal & General Assurance Society Ltd

PROPOSAL: Enclosure of 582m² of existing rear service yard with a fence and formation of a new hardstanding to form secure service yard and storage area. Erection of a canopy over 273m² of the proposed secure service yard and storage area. Provision of a 4m high acoustic fence adjacent to the service yard security fence and provision of a further 4m high acoustic fence to enclose the wider service area at the rear of units 3, 4 and 5. Installation of 143m² internal first floor staff amenity area and 29.5m² internal first floor staff office. External alterations to units 3, 4 and 5 including insertion of new windows, doors, roller shutter access. Removal of existing doors and roller shutter access

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1183/URB SM(08) 0001 Rev P01, 1183/URB SM(08)00 02 Rev P01, 1183/URB SM(08)20 01 Rev P00, 1183/URB SM(08)20 02 Rev P00, 1183/URB SM(08)270 01 Rev P01, 1183/URB SM(08)70 02 Rev P04, 1183/URB FR(08)80 01 Rev P01, 1183/URB SM(08)80 01 Rev P03, 1183/URB SM(08) 10 01 Rev P00, 1183/URB SM(08)00 03 Rev P04. Design and Access Statement August 2010.
PPS 4 Statement August 2010
PPS4 Assessment, July 2010
Sustainability and Energy Statement, July 2010.
B & Q Service Area Management Plan with Plan No 1183/URB BQ 20 00 01 A00, dated 9 May 2011 Rev B.
Savill Bird & Nixon Transport Note received 6/8/2010.
Cole Jamman Noise Impact Assessment Units 3, 4 and 5 from Bridge, Barnet 10/4270/RI//Issue 1. Letter from Burnett Planning and Development dated 13/6/2011.

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 Deliveries to the site shall only be carried out as follows unless otherwise specified in writing by the Local Planning Authority:

Up to 2 HGV's per hour between 0700-1900 and up to 1 HGV per hour between 1900-2100 and no unloading of vehicles to take place later than 2100 Monday to Friday
Up to 2 HGV's per hour between 0800-1900 on Saturday
Up to 2 HGV's per hour between 1100-1500 on Sundays and Public Bank Holidays

Reason:

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

4. All activities generated by or associated with the operation of the B&Q store and garden centre must not exceed the 1 hour LAeq by more than 3dB as measured in the Noise Impact Assessment Ref: 10/4270/r1//Issue 1, excluding the agreed exceedance at AP4 as shown in Schedule 10/4270/SCH5 of the assessment.

Reason:

To prevent undue noise and disturbance arising from the proposed development and to safeguard residential amenity

5. The two 4m high acoustic fences shall be constructed in accordance with the details shown on Plan No's 1183 URB SM [08] 80 01 Revision P03, 1183 URB SM [08] 10 02 Revision P03 and 1183 URB SM [08] 70 02 Revision P04, 118 URB SM (08) 00 03 Revision P04, 118 URB FR (08) 80 01 Revision P01, and the specifications detailed in the Noise Impact Assessment 10/4270/R1// Issue 1 before the single unit comprised of units 3, 4 and 5 is brought into use. The acoustic fences shall thereafter be permanently retained and maintained in good order to ensure that it meets the approved specifications..

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

6. 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 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.

7. The use hereby permitted shall not operate before 0700 or after 2100 on weekdays including Saturdays, before 1000 or after 1600 on Sundays or before 1000 or after 1600 on Public Bank Holidays (excluding Christmas Day and New Years day).

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

8. The B&Q Service Area Management Plan shall be kept on site at all times. The management plan shall be adhered to and enforced by B&Q Managers at all times.

Reason:

To ensure full compliance with the B&Q Service Area Management Plan and to minimise noise and disturbance.

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. The materials to be used for the canopy shall match those used in the existing building(s) as indicated on drawings 1183 URB SM [08] 80 01 Revision P03 and 1183 URB SM [08] 70 02 Revision P04 unless otherwise agreed in writing by the local planning authority.

Reason:

To safeguard the visual amenities of the buildings, the site and the surrounding area.

11. Except as may otherwise be agreed in writing by the Local Planning Authority the development the subject of this application or any part thereof shall only be used for retail sales within the following categories and for no other purpose (including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) order 1987) or in any provision equivalent to that Class in any Statutory Instrument amending or evoking and re-enacting that order:-
- a. Electrical goods including domestic appliances;
 - b. Goods for home improvement, maintenance, repair or decoration, do-it-yourself and builders merchants products including ironmongery and plumbing goods;
 - c. Timber, furniture, furnishings, floor coverings;
 - d. Goods for garden improvement and maintenance, including plants;
 - e. Motor parts and accessories;
 - f. Good and drink for consumption on the premises where the primary purpose of the use of the premises is for the sale of goods other than food and drink.

Reason:

To ensure that the development complies with the terms of the planning application and that the trading effects of the development upon existing centres is not significantly greater than anticipated in the PPS4 assessment which accompanies the application.

12. The secure service yard and storage area hereby approved shall be used for servicing and storage purposes only and shall at no time be used for the retailing of any goods whatsoever to visiting members of the public.

Reason:

To ensure that the development complies with the terms of the planning application and that the trading effects of the development upon existing centres is not significantly greater than anticipated in the PPS4 assessment which accompanies the application.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GParking, ENV12, ENV13, GBEnv1, D2, M11, M12, M13, M14, M17, GTCR1, TCR1, TCR7.

Core Strategy (Publication Stage) 2010: 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, the retail park and the surrounding locality. It is not considered to have a detrimental impact on the residential amenities of the neighbouring occupiers and subject to conditions is not considered to result in undue noise or disturbance. It is considered to accord with the aforementioned policies and the guidance set out in PPS4.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development

PPS4 - Planning for Sustainable Economic Growth

PPG24 - Planning and Noise

The Mayor's London Plan: July 2011

Policy 4.7 - Retail and Town Centre Development

Policy 6.13 - Parking

Relevant Unitary Development Plan Policies:

GSD, GParking, ENV12, ENV13, GBEnv1, D2, M11, M12, M13, M14, M17, GTCR1, TCR1, TCR7.

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

Relevant Development Management Policies (DPD): DM01

Relevant Planning History:

B/03069/10 Erection of two sprinkler tanks and pump house, provision of new concrete plinth on which tanks and pump house are to be located and installation of new bollards to provide vehicle impact protection. Still under consideration - *also on the agenda for the East Sub Committee meeting on 6th October 2011*

B/02928/10 Change of use of 906m² of the existing rear service area to a shop use (use class A1) to create an external garden centre, formation of new hard standing and erection of a fence to provide a means of enclosure to the garden centre. External alterations to Unit 5 to remove an existing roller shutter door and fire exit and create a new door to provide access between Unit 5 and the proposed garden centre. Relocation of 25 existing car parking spaces and the provision of a new enclosed waste and recycling storage area. Still under consideration - *also on the agenda for the East Sub Committee meeting on 6th October 2011*

B/03576/10 The proposed use of Units 2, 3, 4, 5, 6, 7, 8, 10 and 11 for unrestricted Class A1 sales (S192). Refused 09/11/2010. Allowed at Appeal 20/07/2011

B/04790/11 The proposed use of Units 2, 3, 4, 5, 6, 7, 8, 10 and 11 for unrestricted Class A1 sales (S192). Unlawful. 01/02/2011

B/02866/09 Installation of mezzanine level and converting into 2no separate retail units with associated changes to shopfront. Lawful. 05/10/2009.

HQ/C03069BV Residential development on an area of nine hectares (22.2 acres) at an average density on that land of up to 210 habitable rooms per hectare. (85 habitable rooms per acre). Up to 17, 500 square metres (188,379 sq ft) non food retail space on an area of five hectares (12.4 acres). Educational use on an area of one hectare (2.5 acres). Together with open space, roads (including footpaths) with connections to Colney Hatch Lane, Friern Barnet Road and North Circular Road to serve the development and landscaping (OUTLINE). Conditional Approval 03/09/1993.

Consultations and Views Expressed:

Neighbours Consulted: 193
Neighbours Wishing To
Speak

Replies: 15

The objections raised may be summarised as follows:

- Noise pollution

- Proposed development will also increase the traffic flowing up and down Regal Drive
- Relatively narrow road is not suitable for use of big lorries and other heavy vehicles
- Reduction in the value of properties which could become targeted more for graffiti and other anti-social behaviour
- There will be a massive change to the current and past situation regarding lorry movements and their cargoes not to mention the movement of these goods on site
- Do not believe that it is possible to keep the noise from this industrial scale activity to an acceptable level
- Whilst the sound barriers probably will help a little, they will not reduce the noise as much as they would like us to believe
- Issue of rest rooms overlooking our houses
- Will make life unbearable for the residents living nearby
- Any manoeuvring and handling of goods within 100m of the end of Earl Close must be performed using electric vehicles
- Location of the proposed development should be changed so that it is not so close to residential areas
- Quality of life would be extremely negatively affected by the immediate proximity of the proposed development
- Such extra pollution and blight would have a very detrimental effect on our neighbourhood and enjoyment of our environment
- Aware that B&Q use piped music in their stores and are very concerned that this additional noise may be heard by residents close by
- welcome the proposed new acoustic fences but feel that they should be 6m not 4m. Also the new acoustic fence behind the service yard must be extended along the perimeter of the proposed garden centre thereby enclosing the whole rear of the store
- Acoustic fence will be visible from any part of the residential development
- High acoustic fence will not alleviate exhaust pollution
- Concerned about noise from forklift trucks particularly when they are reversing
- The planting of trees and bushes on the outside of the perimeter fence would be a great improvement
- Normally places like B&Q are off a main road or motorway
- The scale and appearance of the proposed development is inappropriate to our residential area
- Timing for consultation was inappropriate as people were away

Internal /Other Consultations:

- Trees and Landscape - No objections
- Environment Agency - No objection
- Natural England - No objection
- Veolia Water - No response received
- Thames Water Devt Control -

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the

receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

- London Fire Brigade -

The Brigade is not satisfied with the proposals. As there is insufficient information to show compliance with part B5 of the Building Regulations

- Barnet NHS (Former PCT) - No response received
- Metropolitan Police Service (CB) - No objections in principle. The following points refer to possible enhancements to security and community safety at the site;

Barnet Police have no objections in principle to the development proposals but wish the following points concerning crime reduction principles and future community safety to be considered by both the planning department and the applicants.

Lighting.

The lighting standard of this development should be BS 5489: 2003. Good lighting provision will influence potential criminal behaviour and should reduce any fear of crime for those people working in and visiting the development site.

Photoelectric cells or timer switches should automatically control all lighting. Fittings and wiring must be vandal resistant.

Perimeter Security.

The security fencing, as specified, appears adequate in terms of reducing the general risk of unauthorised access into the service yard and adjacent area.

General

Subject to any specified fire regulations at the development the applicants should be encouraged to install all doors, windows and roller shutters to the following Police service preferred security standards:

Doors: BS PAS 24: 2007 or the Loss Prevention Certification Board (LPCB) standard: LPS 1175 Security rating 2

Windows: BS 7950: 1997

Roller Shutters: The LPCB standard LPS: 1175 Security rating 2

All glazing installed in doors and windows should consist of at least one pane of 6.4mm laminated glass.

The 3 units should be protected by the installation of a central station monitored intruder alarm system installed to BS EN 50131 & PD6662 if a wired, or BS 6799 if wire free.

- Highways Agency - No objection
- Transport for London - No objection
- Transport for London, Road Network Development - No objection
- Transco - No response received
- National Grid Property -

A standard assessment has been carried out with respect to our operational gas and electricity apparatus.

The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus.

If you decide to proceed with these works, please contact us again so that we may arrange for technical advice and guidance to be provided.

Please note this assessment is purely related to the potential for the proposed physical works to adversely impact National Grid's assets. It does not imply in any way the acceptability of the proposed development from a planning perspective.

There is National Grid apparatus directly crossing your Area of Enquiry. Before carrying out any excavation, trial holes must be dug to find the exact position of gas pipes, using recognised and agreed safe hand digging techniques.

Reference should be made to the HSE Guidance Note HSG47 - 'Avoiding Danger from Underground Services'.

Due to the nature of the planning application and the presence of National Grid apparatus within the above mentioned site, the contractor should contact National Grid before any physical works are carried out to ensure our apparatus is not affected by any of your works.

Medium or Low Pressure Gas Distribution Apparatus

There is Low or Medium pressure gas apparatus in the vicinity of your enquiry which may be affected by your proposed activities.

It is essential that NO mechanical excavations take place above or within 0.5 m of Low and Medium pressure systems.

You should where required CONFIRM THE POSITION of mains using HAND DUG TRIAL HOLES.

- London Borough of Haringey - No objection
- London Borough of Enfield - No response received
- Network Rail -Infrastructure Protection - No comment
- Traffic & Development -

The proposal is for enclosure of 582 sqm of the existing service area to provide secure service yard and external storage area. The proposal also includes installation of additional internal area at first floor of unit 4, for use as staff amenity space (approximately 143 sqm) and staff office (approximately 29.5 sqm).

The proposal additional elements will be ancillary to DIY store which will be located in Units 3, 4 and 5. The proposal also includes a new roller shutter door at the rear of unit 4 to enable deliveries to the DIY store and garden centre. The applicant has submitted turning circles details for service vehicles which are satisfactory.

- Environmental Health - See planning appraisal

Date of Site Notice: 19 August 2010

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to Units 3, 4 and 5 Friern Bridge Retail Park which are located in the northwestern part of the retail park. To the north and east of the application site are residential properties on the former Friern Hospital Site. Running along the southern boundary of the site is the A406 North Circular Road. To the east is the main east coast railway line and to the west is an area of public open space.

Levels rise from south east to north west which means that the application site sits at a lower level than the residential properties to the north and east. There is a grass verge, tree screening and fencing to the north.

The subject of this application forms part of the existing service area at the rear of Units 4 and 5. The application site also includes Units 3, 4 and 5 as a result of elevation changes and proposed internal first floor space. The external service area is currently used for circulation, manoeuvring and making deliveries to the retail units. It is hard surfaced.

Proposal:

B&Q intends to locate to the retail park, in units 3, 4 and 5 with the addition of a garden centre to the side of unit 5 and 6 (which forms part of a separate planning application). Planning permission is not required to remove internal walls to amalgamate the three units and the units currently have unrestricted A1 use. Therefore this planning application seeks permission for the external modifications including the provision of a new storage yard and service area as well as associated changes to the units themselves.

This application seeks planning permission for the following:

- The enclosure of 582 square metres of the existing rear service area with a security fence and provision of a new hardstanding to create a secure service yard and external storage area at the rear of units 4 and 5;
- The erection of a canopy at the rear of units 4 and 5 (to cover an external storage area within the above enclosure);
- Relocation of existing fire escape doors at the rear and side of units 4 and 5, installation of a new roller shutter door at the rear of unit 4 to enable deliveries to the B&Q unit (and garden centre);
- Existing escape doors at the rear of unit 3 to be closed up;
- The installation of an internal 143 sqm first floor at the rear of unit 4 for use as staff amenity space, plus a 29.5 sqm first floor staff office at the front of unit 4;
- Provision of new window openings at the rear first floor level of unit 4;
- Provision of a 4m high acoustic fence adjacent to the service yard security fence and provision of a further 4m high acoustic fence to enclose the wider service area at the rear of units 3, 4 and 5

The existing block paving for the rear service area is to be removed and a new concrete slab with surface drainage to be laid.

The proposed canopy over the storage yard would extend out from the rear of the units by approximately 4.8m and would extend across the entire width of the rear outcrop of the building, with a width of 40.5m. It would then wrap around the outcrop again with a depth of 4.8m. The canopy would be 6.2m high. The proposal includes the erection of 4.8m high fence directly in front of the storage yard, with 4m high timber acoustic fencing with acoustic panels behind positioned just in front of this, 0.6m in front of the storage yard. This fencing will continue around, beyond the storage yard, within which gates are to be erected. These gates would measure 4.8m high. The service yard includes a clear width of 5.8m to allow for vehicular traffic and then another line of 4m high timber acoustic barrier is to be constructed just before the embankment.

A new roller shutter door within the external wall of unit 4 will replace an existing fire door. The shutter door will measure 4m wide and 5m high.

The use of the proposed servicing area and replacement of existing internal mezzanine space ancillary to the primary A1 retail use of the units.

Planning Considerations:

PPS4: Planning for Sustainable Economic Growth was published on 29 December 2009 and replaces PPG's 4 and 5, PPS6 and parts of PPS7 and PPG13. The document is accompanied by a Practice Guide – Planning for Town Centres. The Statement sets out the overarching policy objectives to promote sustainable growth and confirms planning applications that secure sustainable economic growth should be treated favourably. However, all proposals should be considered having regard to their impact on climate change; accessibility; design; regeneration and employment (Policy EC10.2).

While the overall tone of the Guidance is supportive of economic development, it makes clear that edge or out of centre proposals including 'town centre' uses, are properly supported by sequential site assessments and a thorough assessment of impact.

In planning policy terms the site would be appropriately defined as out-of-centre. Policy EC14.1 defines applications for main town centres uses include 'any applications which create additional floorspace, including applications for internal alterations where planning permission is required'.

However in the case of this application, whilst the application includes internal alterations including additional floorspace, none of the new floorspace is intended for retail sales purposes. Externally the secure service yard and storage area are formed essentially by enclosing part of the existing service yard to the rear. Also of relevance is the existing extant planning permissions to subdivide and install mezzanines for storage purposes within units 3, 4 and 5. These permissions are for significantly larger mezzanine floorspace than is proposed within this application. Therefore it is considered that it is not necessary to undertake a PPS4 assessment of the proposals for this application.

The proposed development is considered to have an acceptable impact on the appearance of not only the site but the retail park as a whole. The rear of units 3, 4 and 5 is already used as an existing service area and so to enclose it together with the formation of a new hardstanding to form secure service yard and storage area is considered to be an appropriate form of development.

The canopy is considered to be of an appropriate size and design and would not be intrusive in the context of the adjacent and neighbouring buildings which are large scale. The erection of fencing of various heights and types enclosing the site is also considered to be acceptable. It is not unusual for this type and amount of enclosure for a site of this nature and given the purpose of the fencing is considered to be an acceptable element of this application.

In terms of potential noise and disturbance arising from the use of the storage yard and service area, mitigation measures have been proposed as part of the Noise Impact Assessment which was submitted as part of the application. During the course of the application, concerns were raised by Environmental Health in respect of noise and disturbance to those living in residential properties to the north. In an attempt to address these concerns, the following amendments were made:

- The provision of two acoustic barriers, as described above, both of which will be of robust timber construction with an absorptive lining in order to provide screening from noise generated by HGV movements and service yard activities;
- A restriction in the times at which deliveries can be made and vehicles unloaded at units 3, 4 and 5;
- Preparation of a B&Q Service Area Management Plan which states the measures to be undertaken to minimise noise created during deliveries;

In terms of the service area management plan, the following practices are proposed:

- Upon arrival at the B&Q service area, all delivery vehicles will be met by B&Q staff who will pay careful attention to the opening (and closing) of the service area gates to ensure that noise generated is kept to a minimum;
- Upon arrival at the B&Q service area all in-vehicle radios and/or stereo or other music amplification devices shall be switched off and shall remain switched off for the duration of the time the vehicle is at or within the B&Q service area. Signage will be erected within the service area to remind drivers of this;
- The B&Q service area gates shall be closed during delivery/unloading/loading of vehicles;
- No reversing beepers will be installed on fork lift trucks. Only white noise alarms will be used;

- There shall be no external music played within the B&Q service area or garden centre (the latter of which forms part of a separate application);
- The roller shutter door to the unloading area at the rear of the B&Q store shall be opened in the morning and left open until the end of the day to minimise noise

The management plan also includes other measures to reduce noise and disturbance. Objections raised include concerns that it would be difficult to ensure that all staff at B&Q including delivery drivers adhere to this document. A suitably worded condition has been recommended to ensure that the service area management plan is kept on site and is adhered to and enforced by B&Q Managers at all times, as recommended by Environmental Health.

The Noise Impact Assessment has indicated that with the proposed acoustic barriers in place the predicted noise levels at the nearest residential facades from service yard activities will be reduced to an acceptable level. It has also shown that the proposed changes are not expected to have a significant impact on the nearest residential properties.

Environmental Health are satisfied with the amendments and the contents of both the Noise Impact Assessment and the B&Q Service Area Management Plan and have recommended that this application is approved, subject to the imposition of a number of conditions.

The provision of windows at first floor for the staff amenity area is not considered to result in overlooking and subsequent loss of privacy. The nearest residential property is No.7 Earl Close which is approximately 27m to the north however the windows are below and largely hidden by the canopy and therefore are not considered to result in direct overlooking.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

- Impacts on property prices are not a material planning consideration
- The proposed development is not considered to encourage graffiti or anti-social behaviour

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 considered to accord with council policies and guidance and would result in an acceptable form of development which would not have an adverse impact on the appearance of the site, the retail park or the general locality nor on the residential amenities of the neighbouring occupiers in terms of noise, general disturbance or overlooking. It is therefore recommended that this application is approved, subject to conditions.

SITE LOCATION PLAN:
London, N11 3PW

Units 3, 4 and 5 Friern Bridge Retail Park, Pegasus Way,

REFERENCE:

B/03165/10



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LOCATION: 34 -36 Queens Parade, Friern Barnet Road, London, N11 3DA
REFERENCE: B/03869/10 **Received:** 23 September 2010
WARD(S): Coppetts **Accepted:** 28 September 2010
Expiry: 23 November 2010

Final Revisions:

APPLICANT: Mr Pietro Sabatella

PROPOSAL: Construction of a new first floor to provide 2 self contained flats above No.36 Queens Parade and a storage area above No.34 Queens Parade (ADDITIONAL INFORMATION)

RECOMMENDATION: Approve Subject to S106

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

PS.09.020, PS.09.021, PS.09.022, PS.09.023, PS.09.025 A, Design and Access Statement, Party Wall/Floor Details, VENTILATION PROPOSAL, Sound Data (date received 28-Sep-2010); PS.09.030 (date received 30-Aug-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 first floor extension above No.34 and 36 Queens Parade 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 first floor area above No.34 shall be used as a storage area to be used in conjunction with the A1 use at ground floor and for no other use unless otherwise specified in writing by the Local Planning Authority.

Reason:

To protect the vitality and viability of the local shopping area and to safeguard the residential amenities of the neighbouring and future occupiers.

5. Before the development hereby permitted is occupied the parking spaces as shown on Plan PS.09.030 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.

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. The level of noise emitted from the extract flue and extract fan 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.

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.

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, ENV12, ENV13,

D1, D2, D5, H16, H17, H18, M14, CS2, CS8, IMP1, IMP2.

Core Strategy (Publication Stage) 2010: 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 street scene. The development is not considered to have an adverse impact on the residential or visual amenities of the neighbouring occupiers or on highway safety and parking provision. The proposal is considered to accord with the aforementioned policies.

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

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 7th November 2011 the Assistant Director of Planning and Development Management REFUSE the application ref: B/03869/10 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, 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 L12, L14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS4 - Planning for Sustainable Economic Growth

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan (July 2011) Various

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, ENV12, ENV13, D1, D2, D5, H16, H17, H18, M14, CS2, CS8, 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

Relevant Planning History:

B/04232/09 Construction of a new first floor above No.36 to provide a total of 2 self-contained flats. Construction of matching facade above No.34. Withdrawn 27/09/2010.

B/02210/08 Construction of a new first floor to provide a total of 2No. self contained flats. Refuse 09/09/2008. Dismissed at Appeal 23/03/2009.

N15296B/07 Construction of new first floor to provide a total of 2no. self-contained flats. Refused 13.09.2007

N15296A/06 Construction of new first floor to provide a total of 2no. self-contained flats. Refused 27.02.2007

C03211D Erection of two storey building on land adj to 2 Priory Villas to form store with residential flat to first floor. Approved 04/1986

C03211C Alteration and conversion from car showroom to public house, erection of beer storeyard and construction of yard with 17 parking spaces. Approved 06/1985 (36-39 Queens Parade and land within Queens Parade Close)

Consultations and Views Expressed:

Neighbours Consulted: 93

Replies: 4 and a petition with 61 signatures

Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- No neighbours have been consulted on this application
- The application does not refer to the vehicular right of way which links the service road with the gates to the back gardens of neighbouring properties
- The application should state what proposals the applicant has for a doorway in the flank wall of 1 Colney Hatch Lane
- The application should be amended to state the actual number of car parking spaces available
- Concerned about traffic congestion and parking issues
- Queens Parade Close is of insufficient capacity to cope with the volume and speed of traffic currently using it
- Parking is extremely difficult to find in this area
- There is no need for the flats to be built as there is no significant demand for property in the area
- It would be a shame to further develop a building that has such interesting characteristics and outside features when so much of the area's heritage has already been taken away
- This proposal will have significant detrimental effects on the local environment and the local community

Internal /Other Consultations:

- Development Team, Highways Group - No objections
- Environmental Health - No objections, recommend conditions

Date of Site Notice: 14 October 2010

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is 36 Queens Parade, currently occupied by an A3 use (restaurant). The site is located towards the end of the shopping parade on a prominent corner, just south east of Colney Hatch Lane from the junction of Friern Barnet Road/Woodhouse Road/Friern Barnet Lane. The unit forms part of the Friern Barnet Local Town Centre.

Queens Parade Close runs between the application site, due to the applicant owning both 36 Queens Parade and also 1 Priory Villas. Queens Parade Close splits the site in two, and gives vehicle access to the backs of the units along Queens Parade. Parking is also provided alongside 1 Priory Villas, which is also incorporated within the application.

Levels fall from north west to south east.

Proposal:

This application seeks consent for the construction of a new first floor to provide 2 self contained flats above No.36 Queens Parade and a storage area above No.34 Queens Parade.

Previous applications have proposed a first floor extension above No.36 only which have been refused and the most recent refusal in 2009 was dismissed at appeal. The reasons for refusal related to the extensions themselves and the impact of these on the general street and host property, lack of amenity space, financial contributions and level of amenity being provided as a result of the layout of the units and positioning of windows.

The proposed extensions would incorporate an increase in height above both 34 and 36 Queens Parade, resulting in two storey buildings, similar in size to that at No.32 Queens Parade. In terms of the detailing on the front façade facing Colney Hatch Lane this will remain similar to that on the buildings as they are in terms of architectural detail.

The proposed first floor above No.34 which currently operates as a hairdressers (Use Class A1) will be storage, to be used separately to No.36. The first floor above No.36 is to be subdivided into two self contained residential units.

The ridge height of the extensions would be similar to that at No.32 increasing the height of both of these properties to a maximum of 10.7m (as a result of the fall in levels). The depth of the first floor above No.34 would be 9.75m, extending above the ground floor unit only, not projecting beyond the rear walls of No.32 or what will be the first floor of No.36. The depth of the first floor extension above No.36 would have a staggered depth with a minimum of 9.75m and a maximum of 16.5m.

The internal layout of the ground floor of No.36 is to be altered slightly to provide an entrance to the flats as well as a refuse bin enclosure.

The two self contained residential units will be comprised of 2no 2bed units.

The ground floor of No.36 will remain as a restaurant (Use Class A3). In light of the proposed development, other external alterations include repositioning and extending the existing kitchen flue to the rear of the building.

Parking is proposed in an existing parking area to the side of 1 Priory Villas. This area forms part of the application site as indicated on the submitted drawings.

No amenity space for the residential units is proposed.

Planning Considerations:

The proposed addition to the first floor is considered to be an appropriate addition to the building that would be sympathetic to the character and design of the adjoining units. In determining the appeal in 2009 for the most recent refusal (planning reference B/02210/08) the Inspector raised concerns regarding the gap which would remain at first floor level over No.34 Colney Hatch Lane, stating that it ...'would be untypical of the front elevations of buildings in the area and would have an unacceptable impact on the street scene'. This formed a reason as to why the appeal failed. In proposing a first floor extension above both No.34 and 36 Queens Parade and incorporating the traditional architectural detailing which is already found on the buildings which form the application site as well as neighbouring buildings, this proposal is considered to have overcome this previous reason for refusal. The proposal would result in a harmonious form of development which would sit well within the street scene and would be typical of front elevations of buildings in this area.

Another reason for refusal related to the lack of amenity space. Policy H18 requires 5 square metres per habitable room however does state within the preamble that it may not always be possible to provide amenity space for such proposals at the standards set out within H18, especially for sites within town centres. The Inspector made reference to this point stating that ...'in such circumstances, the Policy provides for overcoming on-site amenity shortfalls by securing an agreement, undertaking to make an appropriate contribution to compensatory off-site amenity facilities'. The site is located within a town centre and no amenity space can be provided. This site is located very near to areas of deficiency at local park level and it is considered appropriate to require an appropriate contribution. A contribution to public open space will be provided through a Section 106 Agreement, as indicated below. This previous reason for refusal has now been overcome.

The previous application was also refused on the basis that it was considered to give rise to unacceptable levels of overlooking to neighbouring habitable room windows resulting in a loss of privacy detrimental to the amenities of adjoining residents. The Inspector however did not agree with this reason for refusal... 'Although the separation distance between the facing windows of habitable rooms would be less than the 21 metres required by the Council, I have noted that this criterion is not necessarily applicable to town centre developments.' The Inspector then went on to say ... 'in this instance, the effect of the proposal on the outlook of neighbouring residents would be negligible as their existing outlook is already to a densely developed area'. No objection is raised in respect of overlooking, outlook or loss of privacy.

The layout of the units was a concern within the previous application in that the living room of one unit would abut the bedroom of another. The Inspector considered that this matter and any necessary sound insulation measures between the existing ground floor and the proposed development are adequately covered by Building Regulations. However in this application the layout has been altered so that the living rooms of both units are side by side. As the Sustainable Design and Construction SPD also requires additional sound insulation in relation to impact and airborne noise a condition has been suggested to ensure that the attenuation should exceed the Building Regulations by at least 3dB. This standard would be similar to the Eco Homes requirements and overcome any concerns with regard to noise and disturbance from the internal layout. A suitably worded condition in this respect has been

imposed to safeguard against any potential noise and disturbance especially in relation to the unfettered A3 use at ground floor within No.36.

Minimum room sizes and dimensions for new residential development are set out in the Supplementary Planning Document; Sustainable Design and Construction. When considering the proposal in accordance with this document, the units are considered to comply as well as complying with the standards set out within the London Plan July 2011. As a result the units are considered to provide an acceptable living space for future occupiers.

The proposed changes to the flue are considered to be acceptable. The Environmental Health Department have raised no objections however they have recommended a condition to ensure that any noise from the extract flue and extract fan is at acceptable levels.

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 - £5,318.00

Libraries - £278.00

Healthcare - £2,368.00

Open Space - £2,000.00

It is therefore considered that the previous reasons for refusal relating to the lack of an agreement/undertaking in respect of education needs and library services has now been addressed. Since determining the previous application, the Council has adopted a Supplementary Planning Document - Contributions to Healthcare Facilities. 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.

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
- 1 Colney Hatch Lane appears to relate to 1 Priory Villas. This does not form part of this application and therefore the applicant is not required to provide information relating to this property.

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

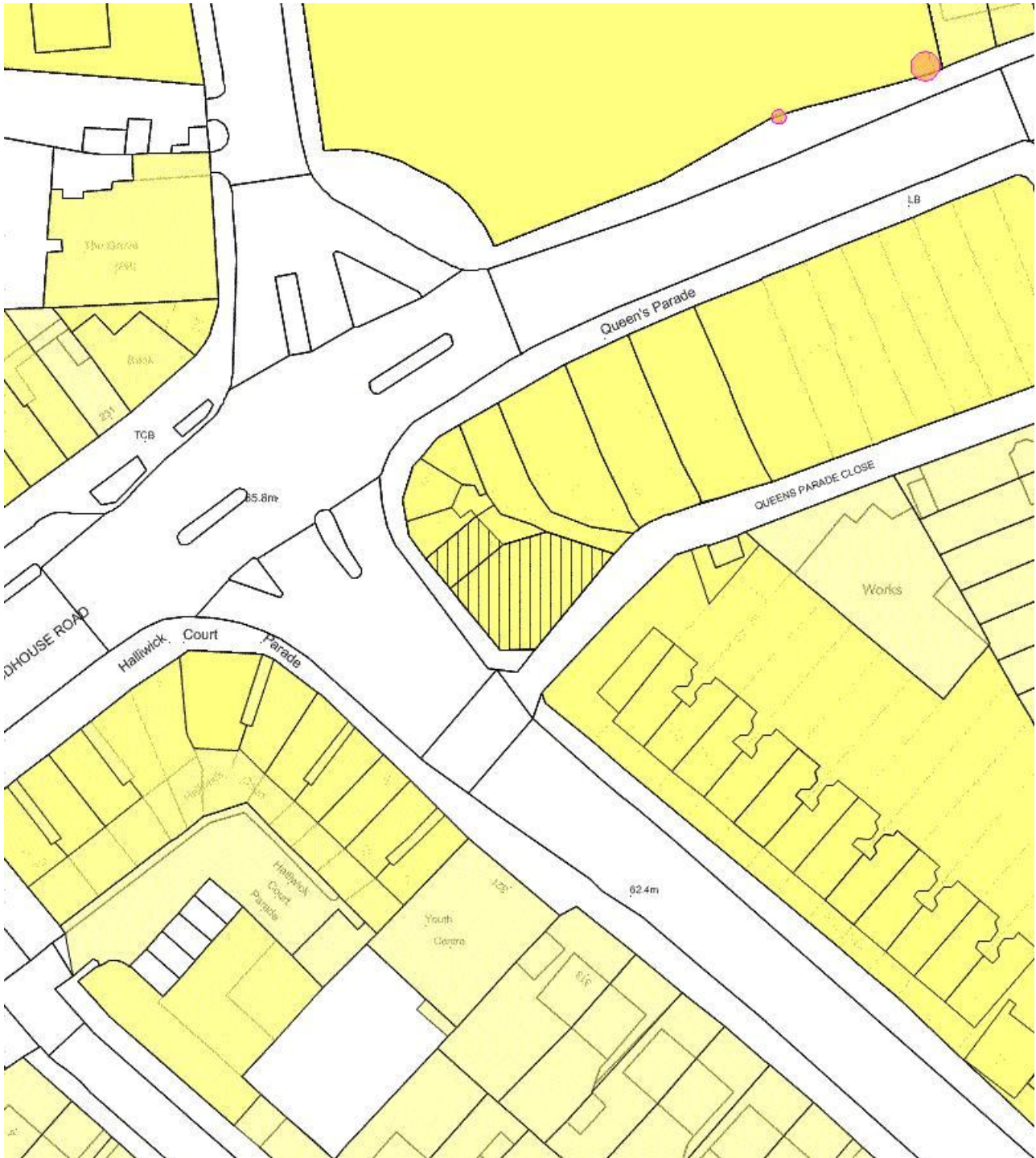
This application is considered to have overcome the previous reasons for refusal and complies with council policies and guidance and is therefore recommended for approval subject to conditions.

**SITE LOCATION PLAN:
3DA**

34 -36 Queens Parade, Friern Barnet Road, London, N11

REFERENCE:

B/03869/10



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LOCATION: 187 Victoria Road, Barnet, Herts, EN4 9SG (Formerly The Bell And Buck Public House)
REFERENCE: B/03354/11 **Received:** 05 August 2011
WARD(S): East Barnet **Accepted:** 05 August 2011
Expiry: 30 September 2011

Final Revisions:

APPLICANT: Mr Demetriou

PROPOSAL: Change of use from public house with residential above into Funeral Home (A1 use)/Offices (B1 use) with 4no residential units. Provision of 6 parking spaces and associated amenity space. Internal and external alterations including partial demolition of the building and two storey rear extension. Associated alterations to roof including new inverted dormer to East elevation to replace existing dormer, 1no dormer at South elevation and 1no dormer at North elevation.

RECOMMENDATION: Approve Subject to Conditions

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

SL-01, SL-02, P-01 Rev A, P-03 Rev A, P-04 Rev A, P-05 Rev A, P-06 Rev A, P-09 Rev A, P-10 Rev A, EX-01, EX-02, EX-03, EX-04, EX-05, EX-06, EX-07, EX-08, EX-09, EX-11, Environmental Noise Assessment dated 6th June 2011 (date received 5-Aug-2011); P-02 Rev B, P-11 Rev B, Design and Access Statement (date received 5-Sep-2011); P-07 Rev B, P-08 Rev B (date received 19-Sept-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 development hereby permitted is occupied, turning space and parking spaces, including details of space allocation shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.

4. Before the development hereby permitted commences, details of the materials to be used for the proposed extensions, any associated hard surfaced areas and entrance doors 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 commences, details of screening for the proposed amenity areas/balconies shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and the approved screening shall be permanently retained unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory appearance to the development and safeguard the visual amenity of the locality.

6. The lower ground and ground floor of the premises shall be used as a Funeral Home and/or Offices and no other purpose (including any other purpose in Class A1 or B1 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.

7. 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.

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 additional windows within the building.

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. A scheme of hard and soft landscaping for the site as well as for the terraced areas where applicable, 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.

11. 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.

12. 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.

13. 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.

14. 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".

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. These details shall include:

- Location of materials storage and site accommodation
- Schedule of works including likely timescales
- Details of the hours of delivery/collection of materials to and from the site
- Details of contractor parking

The construction shall be carried out in accordance with the details as approved.

Reason:

To safeguard residential amenity and ensure a satisfactory appearance to the site during construction works

16. The level of noise emitted from any 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.

17. 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.

18. The development shall be implemented in accordance with the details set out in the Environmental Noise Assessment HHACY/50319/02/JT dated 6th June 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To minimise noise and disturbance and safeguard residential amenity

19. 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.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the 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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, ENV12, ENV13, GBEEnv1,

GBEnv2, D1, D2, D5, D6, D9, D11, GParking, M11, M12, M13, M14, H16, H17, H18, H24, CS2, CS8, IMP1, IMP2.

Core Strategy (Publication Stage) 2010: CS1, CS4, CS5

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

The proposal is considered to represent an acceptable and appropriate form of development. It will see the retention of a degree of employment as well as providing residential units. The proposed development will be sustainable promoting the Councils objectives towards sustainability and will result in minimal harm to the amenities of the occupiers of neighbouring residential properties. It will maintain the viability and vitality of this area and is not considered to have a harmful impact on the highway network and safe and free flow of traffic in this locality. This proposal is considered to be in accordance with councils policies and guidance.

- 2 This grant of consent relates solely to the change of use of the building and associated extensions and alterations. It does not grant consent for any signage associated with the proposed Funeral Home/Offices at lower ground and ground floor.
- 3 The applicant is advised that East Barnet Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Environment and Operations Directorate should be consulted in this respect.
4. For any modifications to the existing vehicle access or new vehicle accesses to be constructed, the applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed new vehicular access and modifications to existing vehicle access. The proposed access design details, construction and location will be reviewed 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 onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Environment and Operations Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG24 - Planning and Noise

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan: July 2011

Policy 3.3 Increasing Housing Supply
Policy 3.5 Quality and Design of Housing Developments
Policy 7.4 Local Character

Relevant Unitary Development Plan Policies:

GSD, ENV12, ENV13, GBEnv1, GBEnv2, D1, D2, D5, D6, D9, D11, GParking, M11, M12, M13, M14, H16, H17, H18, H24, CS2, CS8, 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

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

Relevant Development Management Policies (DPD):

DM01 Protecting Barnet's character and amenity
DM02 Development Standards
DM03 Accessibility and inclusive design
DM08 Ensuring a variety of sizes of new homes to meet housing need
DM17 Travel impact and parking standards

Relevant Planning History:

The Bell and Buck, 187 Victoria Road

B/01012/11 Two storey rear extension. Internal and external alterations including partial demolition of the building. Two new dormers on the north and south elevations to facilitate a change of use from public house with residential above to a commercial unit (A1/A2/B1), 1 x

2-bed and 6 x 1-bed flats. Provision of 6 parking spaces to the side of the building. Withdrawn 11/05/2011

B/01244/08 Proposed covered smoking area and decking to the north elevation of existing public house plus new crossover to adjoining land. Conditional Approval 12/09/2008.

N00537L Alterations to front elevation and formation of fire escape to car park. Conditional Approval 08/01/1998

N00537D Construction of timber deck area to rear and alterations to rear elevation. Conditional Approval 04/05/1999

181A Victoria Road

N11683A Redevelopment of vehicle repair yard with the erection of two three-storey blocks of studio flats totalling 16 units with associated access and parking (OUTLINE APPLICATION) Refuse 16/03/1999.

Land adjacent to 181 Victoria Road

N07554C/03 Demolition of all existing buildings and erection of a three-storey building to provide 150 square metres of Class B1 office space. Erection of 6no. three storey houses in a terrace and erection of a three storey block to provide 3no.self contained flats. Provision of a total of 11no. off street car parking spaces (accessed from Victoria Road) and associated changes to landscaping. Refuse 01/09/2003

N07554B Demolition of all existing buildings. Erection of a three-storey building to provide 150 sqm of Class B1 office space, to erect a 6 no. 3 storey houses in a terrace and to erect a 3 storey block to provide 3 no self contained flats. Provision of a total of 11 no. off-street car parking spaces (accessed from Victoria Road and associated changes to landscaping. Withdrawn 08/07/2003 (as it was originally registered with an incorrect street address).

N07554A Change of use from coal merchants yard to use for the repair of commercial vehicles. Approve 21/02/1985

N07554 Approval of conditions 2, 6 and 7 for change of use from coal merchants yard to use for the repair of commercial vehicles. Approved 28/02/1985.

N07554 - Planning application to change the use from coal merchants yard to use for the repair of commercial vehicles. Conditional Approval 27/01/1984.

Opposite 181 Victoria Road

N03680D Demolition of existing garages and erection of two 3 bedroom houses and two garages. Refuse 10/12/1998.

N03680C Demolition of existing garages and erection of a terrace of three two bedroomed houses. Withdrawn 04/06/1998

Land rear of Alexandra Public House, Victoria Road

B/00066/09 Erection of a three storey building with basement car parking comprising class B2 - MOT and Repair Garage on ground floor, class B1 - Offices and Light Industry on first and

second floors. Conditional Approval 11/02/2009.

B/00602/08 Erection of 3 storey building with ground floor B1 use, four 2bed units and two studios (C3) over two storeys and communal roof garden. Parking provision. Withdrawn 20/01/2009.

B/03620/08 Erection of a part ground, part three storey plus basement building. Use to comprise of ground floor MOT and repair garage (B2 - 126 sqm) and car parking for 2 cars, first and second floor offices and light industry (B1 - 160 sqm on each floor) and basement car parking (6 spaces), cycle spaces and storage (total of 257 sqm). Withdrawn 20/01/2009.

N00092K/07 Erection of a four storey building with ground floor parking and three floors above comprising of 5 self contained flats. Refuse 22/01/2008.

N00092J/03 Erection of two storey building for use as offices (Class B1). Conditional Approval 05/08/2003.

N00092G Part single, part two storey building for use as offices (Class B1). Conditional Approval 02/06/1998.

Consultations and Views Expressed:

Neighbours Consulted: 177
Neighbours Wishing To 1
Speak

Replies: 4

The objections raised may be summarised as follows:

- Concerned about the proposed funeral home use at ground floor and the impact this type of use would have on the character and appearance of the area and the amenities of neighbouring residents
- Impact on traffic and road safety as Victoria Road is a very busy road as is its junction with East Barnet Road
- There are already several funeral homes in the area and the need for more is questionable
- Will not add to the vitality of the area

Internal /Other Consultations:

- Environmental Health - No objections, recommend conditions
- Traffic & Development -

The proposal is for alterations to existing development consisting of a drinking establishment and a 6 bedroom flat to provide approximately 325 sqm of A1 use - Funeral Home, including storage area, and 4 flats, 3 x 1-bedroom and 1 x 2-bedroom). A total of 6 parking spaces will be provided accessed via existing vehicle access.

Four parking spaces will be allocated for the use of the flats. The parking provision for the flats is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006.

The two remaining parking spaces will be for the use of the Funeral Home. The information provided by the applicant regarding the operation of the Funeral Home states that the Funeral Home requirements are for 1 small van that will be used for removals. In addition the proposed occupant has another Funeral Home where the Funeral cars are kept. And also owns other lock up garages for potential overflow vehicles.

The proposed parking provision for the A1 element of the proposal is considered acceptable on highways grounds.

I have no objections on highways grounds as the proposal is not expected to have a detrimental impact on the public highways

The application is recommended for approval on highways grounds

- Campaign For Real Ale (CAMRA) -

This branch of CAMRA (Campaign for Real Ale) has been made aware of this latest application concerning this property that used to be the Bell and Buck. We wish to object to this application being approved.

Although this establishment has not sold Real Ale for a couple of years, many of our members have fond memories of this as a public house as they became adults. Like many establishments the name has changed a few times; it was for a while called the Bailey and I believe it was originally The Warwick Hotel.

I am sure with good management, this establishment can again become a public house serving the local community; a focal point for social meetings, eating and drinking.

Date of Site Notice: 25 August 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to the former Bell and Buck Public House located on the eastern side of Victoria Road, at the junction of Victoria Road with East Barnet Road. The building used to operate as a Public House and has now been vacant for approximately 18 months. Not only is the site located closer to a busy road junction, it is located within an area comprised of a mix of uses. The Alexandra Public House is to the west of the site, on the opposite side of the road and is still trading. Northway Tyres is to the immediate south and there are car dealership garages to the immediate north, on the adjacent site. The land to the rear of the Alexandra Public House appears to be used for car repairs.

To the north and northeast of the site further along Victoria Road are residential properties, generally comprised of two storey single family dwellings. Warwick Close which runs adjacent to the site to the south is predominantly comprised of residential uses, with three storey purpose built block of flats to the rear of the site. To the immediate rear of the site is an area of public open space which appears to be part of the same site as the three storey purpose built blocks of flats.

The site is located outside of both the New Barnet and East Barnet shopping areas however there is a small parade of shops both to the northwest and south of the site along East Barnet Road.

The existing building steps down in height along Warwick Close from 2 and a half storeys at the front (Victoria Road) to 1 storey at the rear (Warwick Close).

Proposal:

This application seeks consent for the change of use from public house with residential above into Funeral Home (A1 use)/Offices (B1 use) with 4no residential units with provision of 6 parking spaces and associated amenity space. Internal and external alterations including partial demolition of the building and two storey rear extension. Associated alterations to roof including new inverted dormer to East elevation to replace existing dormer, 1no dormer at south elevation and 1no dormer at north elevation.

The proposal involves converting the vacant public house into commercial at ground and lower floors comprised of a Funeral Home (A1) and Office space (B1). At first and second floor, 4no self contained residential units are proposed; 1no 2bedroom flat and 3no 1bedroom flat.

6 parking spaces are proposed on an area of land to the north of the site which forms part of the application site.

It is proposed that the existing building is demolished from the point at which it steps down from 2 and a half storeys to 1 storey. In place of the demolished area of building which is made up of an assortment of existing extensions and additions to the rear will be a new build element that will step down from 2 storey to 1 storey.

The two storey rear extension would measure 6.2m deep from what would have been the original main rear wall of the building, 12.55m wide and set down from the eaves of the main roof by approximately 0.35m. Extending from this part of the extension would be another rear extension which would be 2.5m deep, 12.55m wide and set down from the eaves of the roof of the two storey rear extension by 2.4m with a pitched roof which would conceal a roof terrace. This extension would have a flat roof which would form a terrace to be used as an amenity space. Following on from this extension would be a single storey rear extension with a depth of approximately 5.9m, width of 6.6m at its widest point and a height of 4m with a dual pitched roof. These extensions would replace an assortment of existing extensions and additions to the rear.

The proposal also includes a side dormer facing Warwick Close which would measure 1.65m high, 2.6m wide and 1.6m deep. Another side dormer is proposed on the roofslope facing north which would measure 1.85m high, 2.3m wide and 1.95m. There are two existing rear dormers; one of which is to be removed and replaced with an inverted roof feature which would provide a roof terrace for the second floor flat and the other dormer is proposed to be widened, measuring 2.6m wide, 1.8m high and 1.8m deep.

Alterations to the front of the building include new doors and windows at ground floor, with the retention of an entrance door within the south elevation as well as the provision of a new entrance door in the south elevation, accessed off Warwick Close which will provide the entrance to the residential units. The existing fenestration to the front is to be made good as well as the provision of balustrades to the front, above the curved façade at ground floor.

Amenity space is provided for 3 of the 4 units. Flats 1, 3 and 4 would each have a private terrace. Flat 2 does not have any private amenity space.

The proposal also includes bin stores for both the residential and commercial uses, enclosed within the building. An internal bike store with a capacity for 4 or bikes is also proposed.

Planning Considerations:

Principle of the development

The Government is committed to maximising the re-use of previously development land to promote regeneration and minimise the amount of green field land being taken for development. PPS 3 - Housing also advocates that new housing development of whatever scale should not be viewed in isolation. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area. This is further reinforced by Policies D1, D2, D3, D4, D5 and D6 which advise that the design and layout of the proposal should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene. Policy D1 in particular advocates that the size, mass, height and appearance of new buildings should be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

The established character of the area is largely mixed given the variety of uses; commercial and residential. Residential dwellings are comprised of either single family two storey properties, flats above retail units or purpose built flats such as those seen on Warwick Close. The loss of the public house is not considered to be unacceptable in principle. Policy H24 within the UDP (2006) states that the council will permit changes of use from non-residential to residential provided that:

- The building or the site is in a suitable area for housing, having a reasonable standard of amenity; and
- There is no realistic prospect of re-use for employment purposes or non-residential use.

The building is considered to be in a suitable area for housing. This site is not considered to be an employment generating use. The councils policies on employment land relate specifically to use classes B1, B2, B8 and similar uses. In terms of whether the building would provide a reasonable standard of amenity for both the future occupiers or neighbouring residents, this will be discussed later.

In terms of a mixed use development on this site, this is considered to be an appropriate way forward for the redevelopment of this building. It would see the retention of some employment on this site as well as the provision of starter home housing. Given that the site sits just outside of both the New Barnet Town Centre and East Barnet Town Centre, it would not appropriate to encourage unrestricted A1 uses outside of the town centres. The proposed use of part of the ground floor as a Funeral Home is considered to be an appropriate use. Whilst it falls within Class A1 the nature of the Funeral Home use is not considered to harm the vitality or viability of the New Barnet or East Barnet Town Centres. Objections have been raised in respect of there being other Funeral Homes in close vicinity to the application site however competition and whether there are too many Funeral Homes in an area is not a material planning consideration and would not warrant the refusal of this application.

Objections have also been raised with regards to the appropriateness of having a Funeral Home close to residential properties however given that this site has historically been used as a Public House, the change to a Funeral Home is considered to be an appropriate change of use for this site in this location.

Extensions and other external alterations

The proposed extensions are considered to be an acceptable replacement for the existing extensions to the building. The existing building has a somewhat neglected state and in terms of the appearance of the rear of the building adds little visual interest to the surrounding area. The proposed extensions are considered to be subordinate to the main building, harmonising well with the existing character and are an innovative way of creating outdoor amenity space without the inclusion of large balconies which would not relate well with the existing building.

The extensions would also allow for the incorporation of enclosed bin storage and cycle stores which is a more appropriate way, in this instance of providing such requirements on a site in this location. Having the bins enclosed within a brick built structure as part of the main building means that there will be little 'clutter' around the building and the site and the resultant appearance of the development would be an improvement over and above what is currently on site.

The additional dormers are considered to be subordinate features within the roofspace and would not result in a top heavy roof.

Other external alterations include the inclusion of balustrades at first floor to the front of the building as well as at roof level for the second floor flat. A suitably worded condition has been recommended requesting details of the balustrades to ensure that the design and appearance is suitable for this building.

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 location of the site and its surrounding uses would have a significant impact on any development proposal for this site and due consideration must be given. The site is surrounded by two car garages, Northway Tyres to the south on Warwick Close and a car repair facility which operates on the land to the rear of the Alexandra Public House. It is important to note that the latter use operates outside and therefore noise is not confined within an enclosure. It is also important to note that the Alexandra Public House is open and trading and sits directly opposite the site. The majority of the commercial uses, in particular the car garages and Northway Tyres have been in operation for a long period of time and therefore trading and operating hours of these uses are largely unrestricted. A noise assessment was undertaken and accompanies the application. Within this, it recognises that at times noise levels can be high however noise mitigation measures which have been put forward as part of the assessment are considered to be acceptable and the Environmental Health Department are satisfied with the mitigation measures in terms of residential amenity. It is considered that providing the noise mitigation measures are incorporated, the surrounding uses will not cause demonstrable harm to the living conditions of the future occupiers of these units.

The conversion of the upper floors into self contained residential units is not considered to result in an unacceptable degree of overlooking or subsequent loss of privacy for those living in Warwick Close or East Barnet Road. It should be noted that the upper floors of the building have historically been used for residential accommodation occupied in association with the public house. Properties in East Barnet Road are approximately 32m to the southwest which is in excess of the distances required under Policy H17. Properties in Warwick Close to the rear of the site are in excess of 58m away which again is in excess of that required under Policy H17.

Whilst the comings and goings in terms of the residential accommodation may well increase as a result of going from one residential unit to four, this is not considered to be detrimental to amenity. As mentioned previously, this site is in a busy location where background noise levels are high at certain points. The comings and goings resulting from the new residential units would not be highly noticeable against the backdrop of noise from the surrounding uses and the road. The paraphernalia associated with residential accommodation in terms of bin stores, parking, cycle stores and garden areas has all been incorporated in such a way that it would not be readily noticeable from the street. The parking is being accommodated on an existing parking area and therefore does not necessitate the formation of an additional hard surfaced area. The parking area has historically been used for the parking of vehicles for many years and therefore the comings and goings of vehicular traffic is not considered to result in undue noise and disturbance which is further mitigated by the fact that the parking area is bounded by commercial uses rather than residential properties.

Size of the Units

The building is considered large enough to accommodate four self contained units. Whilst the proposal includes some extensions, these extensions are not considered to be unacceptable in terms of their impact on the character and appearance of the street scene and residential amenity.

Minimum room sizes and dimensions for new residential development are set out in the Supplementary Planning Document; Sustainable Design and Construction. When considering the proposal in accordance with this document, the units are considered to comply as well as complying with the standards set out within the London Plan July 2011. As a result the units are considered to provide an acceptable living space for future occupiers.

Amenity space

The council will 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 standards. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For flats, it could be provided communally around buildings, but must be usable. When assessing usable garden space, front gardens which do not have a reasonable level of privacy, areas around buildings which are overlooked by neighbouring development, and areas whose use is hindered by their size or the siting of dustbin enclosures, will not be considered to be usable. This site is not within a town centre nor is it located close to open space. As such, not only will amenity space be required for any residential development, especially for units with more than one bedroom as they have the potential to be family accommodation but it must be usable. Policy H18 requires a minimum of 5 sqm per habitable room. Amenity space has been provided for three of the four units in the form of roof terraces. The design and siting of the amenity space is considered to be appropriate and acceptable in terms of usability. The proposed amenity space is considered to comply with the requirements of Policy H18. It is considered to be high quality and

innovative in the way it has been designed. Given that the roof terraces are largely contained within the roof of either the main building or the extensions, it negates the requirement for large screening and also ensures that there should be a minimal degree of overlooking between the different roof terraces.

Flat 2 would not have any amenity space. This unit would possibly have access to the front balcony area at first floor however given the outside noise levels it has been recommended that this area is not formally used as an amenity space. Given that the unit would be a 1 bedroom starter home, not designed for family accommodation it is considered appropriate in this case to forgo a formal amenity area given the constraints on site.

Internal Layout and Stacking

The internal layouts of the units have been designed to reflect one another with bedrooms above bedrooms and kitchens above kitchens. No objection is raised to the internal layout and it is considered that the development would result in minimal noise and disturbance.

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 as per the comments received by the Highways officer. A suitably worded condition has been recommended in respect of details of the parking layout.

S106 Contributions

A condition has been suggested to satisfy the financial contributions required from this development. Contributions towards health, education and library facilities, together with the associated monitoring costs will be required.

The contributions 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.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Dealt with in the planning appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

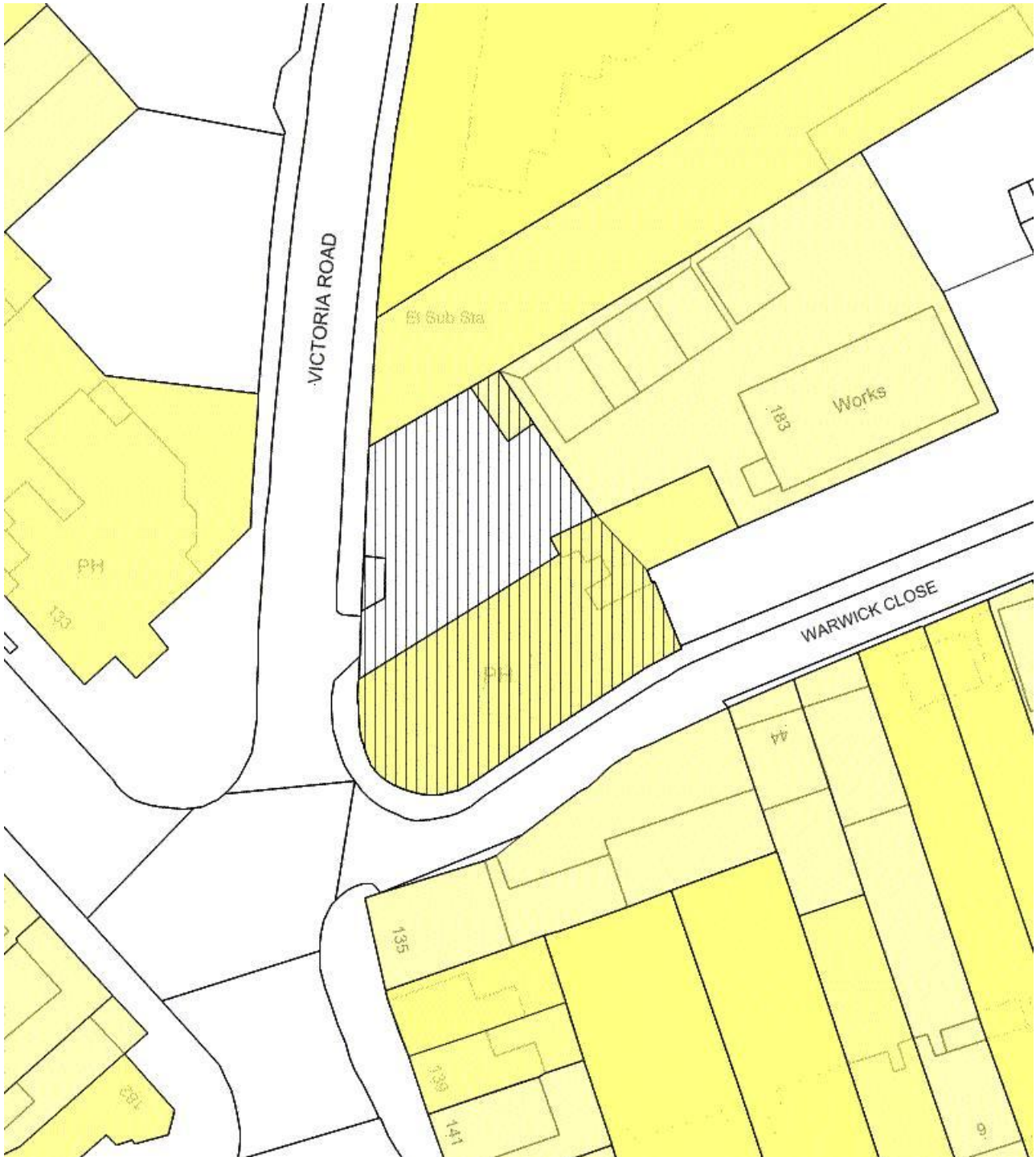
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

This application is considered to accord with council policies and guidance and is therefore recommended for approval subject to conditions.

SITE LOCATION PLAN: 187 Victoria Road, Barnet, Herts, EN4 9SG (Formerly The Bell And Buck Public House)

REFERENCE: B/03354/11



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LOCATION: 1 Bedford Road, London, N2 9DB

REFERENCE: F/02706/11

Received: 24 June 2011

Accepted: 05 July 2011

WARD(S): East Finchley

Expiry: 30 August 2011

Final Revisions:

APPLICANT: Mr A Valdez

PROPOSAL: Change of use of ground floor from Class B1 office to a mixed use ClassB1/D1 (Pilates Bodywork Centre).

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Floor Plans, Proposed Floor Plans, Planning Statement, a letter from Total Design dated 16th June 2011, a letter from Claridges dated 9th June 2011, a site plan, a block plan and an aerial photograph.

Reason:

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

2. The use of the ground floor hereby permitted shall cease to operate and shall be reverted back to a B1 office unit to the satisfaction of the Local Planning Authority on or before two years from the date of this decision notice.

Reason:

In order that the position may be reviewed at the end of the period stated.

3. The element of D1 use of the ground floor hereby permitted shall be occupied by as a Pilates Bodywork Centre use only and for no other purpose under the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005.

Reason:

To protect the amenities of adjoining units.

4. The Pilates Bodywork Centre hereby permitted shall not operate before 8am or after 8pm on weekdays and 9am to 5pm on Saturdays, Sundays and Bank Holidays.

Reason:

To safeguard the amenities of adjoining properties.

5. Before development commences, any music system to be used on the development hereby permitted, shall be fitted with a limiter, agreed and approved by the Local Planning Authority. The approved noise limiter shall be implemented in its entirety before the use commences.

Reason:

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

6. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment should any be required, 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.

7. The level of noise emitted from any plant to be used on the development 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.

8. The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the Pilates Bodywork Centre 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.

9. 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 London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant: PPS1 Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, D1, D2,

GParking, M14, ENV12, GEMP3, GEMP4 and EMP2 of the adopted Barnet Unitary Development Plan 2006.

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 proposals 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 convince.

2. Details pursuant to conditions 5 and 6 are only required if music or ventilation and extraction equipment are used on the development.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1

Relevant Unitary Development Plan Policies: GSD, GBEnv1, GBEnv2, D1, D2, GParking, M14, GEMP3, GEMP4 and EMP2 of the adopted Barnet Unitary Development Plan 2006.

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/08788/A/05
Validated:	18/02/2005	Type:	APF
Status:	DEC	Date:	07/04/2005
Summary:	APC	Case Officer:	Fabien Gaudin
Description:	Alterations to front elevation including new portico. New front boundary wall. Dormer window on rear elevation.		

Application:	Planning	Number:	F/02706/11
Validated:	05/07/2011	Type:	APF
Status:	PDE	Date:	
Summary:	APC	Case Officer:	David Campbell
Description:	Change of use of ground floor from Class B1 office to mixed use Class B1/D1 office/holistic centre.		

Site Address: MINCAN HOUSE 1 Bedford Road LONDON N2
Application Number: C11139
Application Type:
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use for offices, showroom, storage and distribution purposes (Established Use Certificate)**

Case Officer:

Site Address: 1A Bedford Road London N2 9DB
Application Number: C08788B/05
Application Type: Full Application
Decision: Withdrawn
Decision Date: 13/10/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from office/store to single family two-bedroom dwelling.**
Case Officer: Fabien Gaudin

Site Address: 1A Bedford Road London N2 9DB
Application Number: C11139B/06
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 31/05/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use of first and second floors from offices (Class B1) to 1no. self-contained two-bedroom flat.**
Case Officer: Fabien Gaudin

Site Address: 1A Bedford Road London N2
Application Number: C08788
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 26/09/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Continued use as offices and alterations to form a garage.**
Case Officer:

Site Address: Mincan House, 1 Bedford Road LONDON N2 9DB
Application Number: C11139A
Application Type: Retention/ Contin. Use
Decision: Approve
Decision Date: 21/08/1992
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Continued use as offices (B1)**
Case Officer:

Site Address: Unit b, 1 Bedford Mews, London, N2 9DF
Application Number: F00584/09
Application Type: Full Application
Decision: Withdrawn
Decision Date: 27/03/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use to unit B from B2 to D2 (Gymnasium).**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 46
Neighbours Wishing To 1
Speak

Replies: 4

The objections raised may be summarised as follows:

- Extra traffic, congestion and parking problems (and associated noise and pollution).
- There is already an excess of D1 Office space.
- The whole building could be converted to D1 use.
- Another D1 facility would make it harder for existing D1 uses. (Competition).
- Loss of the business use and insufficient marketing.

Internal /Other Consultations:

- Environmental Health - No objections.
- Traffic and Development - No objections.

Date of Site Notice: 14 July 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is currently used as an office and is situated on Bedford Road in the East Finchley ward. Bedford Road is largely residential, however this part close to the High Road contains several commercial uses. The site does not fall within a conservation area.

Proposal:

The application seeks consent for a change of use of ground floor from Class B1 office to mixed use Class B1 Office / Pilates Bodywork Centre.

Planning Considerations:

The main considerations are the impacts on the property, the surrounding area and on any neighbouring properties, and whether the proposed use is appropriate to this part of North Finchley.

Policy GEMP4 says:

The council will seek to retain land that meets strategic requirements for small, medium and large scale industrial users. If there is no realistic prospect of the re-use of a site purely for employment purposes, mixed use development for employment and housing will be a priority.

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.

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.

As this proposal relates to a temporary change of use this proposal would only result in a loss of office space in the short term. The office is proposed to have a maximum of 4 people at any given time, which is considered to be appropriate for the size of the premises. The use will also generate an element of employment with 5 full time members of staff being involved in the D1 use.

With the above in mind it is considered that the proposal would not cause harm in terms of loss of office use in the area. It is considered that the change of use for a period of 2 years would be acceptable and would not have a detrimental impact on the amount of industrial or office space that is available for businesses. In this case it is acknowledged that the proposed use will also provide employment, which would increase the number of people who work on site. It is also noted that the dual use has been applied for so that the existing office can still use the ground floor for meetings if required. This is considered to be acceptable.

The hours of use of the proposed use is proposed to be between 8am and 8pm during the week and 9am and 5pm during weekends, which is considered to be appropriate hours. It is also noted that the other uses in the block are largely office uses and as such it is not considered that there would be any impact on residential amenity.

It is also noted that the applicants have requested the use for two years after which they consider that the property will revert back to an office use. It is therefore considered that in this instance a temporary permission for two years would be acceptable for the site and would not in the long term result in an employment loss. Should the applicant wish to retain the pilates centre use then a new application would be needed and re-assessed before a further consent is granted.

The council's Highways Team have no objections to the application. They have stated that as the site is located within a town centre location, is within a CPZ and is within close proximity to pay and display parking on the High Road the application is acceptable on highway grounds. The objections on parking, congestion and traffic are noted but, in this case it is considered that the application is acceptable.

The council's Environmental Health Team have been consulted on the application and have raised no objection on the grounds of noise and disturbance. It is considered that subject to the attached conditions, there will not be any harmful levels of noise as a result of the application.

There have been objections on the grounds of over supply of D1 uses in the area, however there is no requirement in policy CS10 for the applicants to demonstrate need of services or the current levels of supply for a D1 use. There are therefore no objections on these grounds.

It is considered that the application will not give rise to any significant loss of amenity to any neighbouring property, or harm the appearance of the building, the surrounding area and the character of the street scene.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The planning grounds of objection are considered to have been covered in the main report. Objections on the grounds of increased competition are not planning issues. Proposals to use the whole building for D1 purposes would require a separate application to be submitted and assessed on its own merits.

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: 1 Bedford Road, London, N2 9DB

REFERENCE: F/02706/11



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LOCATION: 386 Long Lane, London, N2 8JX

REFERENCE: F/02980/11

Received: 15 July 2011

Accepted: 15 July 2011

WARD(S): East Finchley

Expiry: 09 September 2011

Final Revisions:

APPLICANT: Mrs Janet Byrne

PROPOSAL: Extension to roof including, rear dormer window to facilitate a loft conversion. First floor rear extension. Existing single storey ground floor extension to have a pitched roof.

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: SJ OLI Rev D; SJ OL2.

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 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 CS5.

Development Management Policies: DM01.

- 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.

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.

DM policy – DM01.

Relevant Planning History:

Application:	Planning	Number:	F/00828/11
Validated:	28/02/2011	Type:	APF
Status:	WDN	Date:	21/04/2011
Summary:	WIT	Case Officer:	Neetal Rajput
Description:	First floor rear extension. New external steel staircase. Alterations to roof including rear dormer to facilitate a loft conversion.		

Consultations and Views Expressed:

Neighbours Consulted: 14
Neighbours Wishing To 5
Speak

Replies: 5

The objections raised may be summarised as follows:

- The scale and appearance of the proposal, which will dominate neighbouring properties
- The proportions of the development would also not be in keeping with the character of the other houses in the two blocks of terraced houses
- Loss of light
- Issues of overlooking into neighbouring gardens
- Sense of enclosure with a claustrophobic feel to immediate environment
- Proposal would result in total loss of privacy outside
- Concerned that there would be more noise and disturbance from the increased occupancy of the development
- Landlord has a habit of trying to cram large families into one to two bedroom flats – this extension will seriously increase noise and disturbance
- Proposed development is proportionally and aesthetically out of character with the surrounding area - none of the properties on either side of 386 have first floor extensions or loft conversions

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a mid terrace property on Long Lane 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 proposes extensions to roof including a rear dormer and a first floor rear extension which measures 1.5 metres in depth along the shared boundary with No. 384 Long Lane. In addition, there will be the addition of a pitched roof on the existing single storey rear extension, measuring 3.5 metres at its highest point.

Planning Considerations:

Council policy and guidelines seeks to ensure that extensions to residential properties respect the scale, character and design of any building on which they are located and are appropriate to the character of the area. Extensions will not be permitted if they do not have regard for the amenities of the neighbours.

Although the 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. Thus, the rear dormer is not considered to present any detriment to the original dwellinghouse, the area in general and the amenities of the neighbouring residential occupiers shall be preserved.

Turning to the proposed first floor rear extension, there are two appeal decisions that should be noted:

An appeal decision against the Council at 7 Huntington Road was decided on 6th June 2007 (ref: C/14581/D/07) for a first floor rear extension of 1.5m deep on a two storey rear wing

projection. (The application for the first floor rear extension was recommended for approval but refused at committee and then allowed on appeal.) 7 Huntington Road is set within a similar context as the application site 386 Long Lane being a terrace property with a two storey projecting rear wing with a similar relationship with the adjoining properties.

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 at the Finchley and Golders Green Area Planning Sub-Committee. The site was also a mid terrace property and proposed a 1.5 metre deep extension at first floor level.

Those two appeal decisions are material planning considerations.

In view of the similarities between 7 Huntington Road, 67 Park Hall Road and the application site it is not considered that the first floor rear extension warrants a reason for refusal.

The design of the first floor element of the extension is such that it would not look out of scale or unduly bulky and would appear as a subordinate feature. The roof of the extension will be flat to match that of the existing first floor two storey element.

The extension will be set 2.1 metres off the common boundary with No. 388 Long Lane. The distance between the properties and modest projection of the first floor extension are such that it is not considered that there would be any appreciable loss of amenity to the residential occupiers. The extension will abut the boundary of No. 384 Long Lane, however, again the relatively modest depth of the proposal is such that it would not result in a perceived sense of enclosure, loss of light or outlook to the residential occupiers.

The proposal as a whole would have no conflict with the UDP policies in this respect. In the Council's Guidance (Note No.5 – Extensions to Houses) it is indicated that two storey rear extensions are not normally acceptable on terraced houses. However, the specific circumstances of this case means that this is an instance where such a proposal would not result in the detrimental effects which the Council's Guidance (Note No.5 – Extensions to Houses) seeks to prevent in relation to living conditions.

The pitch to the existing ground floor rear extension is not considered to cause harm to the amenities of neighbouring occupiers, it will also act as barrier to ensure the roof is not used as a terraced area by the occupants of the first floor flat.

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 proposal will be harmful to the character of the area or the amenities of the neighbouring occupiers.

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.

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 in accordance with the Council's design guidance and Unitary Development Plan policies with minimal impact on the character of the area and the residential amenities of neighbouring occupiers. It is recommended the application be **approved** accordingly.

SITE LOCATION PLAN: 386 Long Lane, London, N2 8JX

REFERENCE: F/02980/11



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LOCATION: The Hollies, Gladsmuir Road, Barnet, Herts, EN5 4PJ
REFERENCE: B/00520/11 **Received:** 03 February 2011
WARD(S): High Barnet **Accepted:** 18 February 2011
Expiry: 15 April 2011

Final Revisions:

APPLICANT: Mr N Edwards

PROPOSAL: Two storey front extension including new front entrance. Two storey rear extension. Alterations to fenestration to all elevations. Alterations to roof including increase in ridge height, removal of a gable end, insertion of side rooflights and front and rear dormers to facilitate a loft conversion. Demolition of existing single storey rear projection and conservatory.
(AMENDED DESCRIPTION & PLANS)

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 940-10-01 Rev a, 940-10-02 Rev a, 940-10-06 Rev c (date received 18-Feb-2011); Additional supporting Information, Arboricultural Report (date received 8-Apr-2011); 940-10-03 Rev e, 940-10-04 Rev g, 940-10-05 Rev i, 940-10-07 Rev h, 940-10-20 Rev d (date received 18-Jul-2011); TREE PROTECTION PLAN (date received 27-Jul-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.

4. Before the development hereby commences, details of the proposed new windows shown on plans at a scale of 1:20 shall be submitted 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 amenity of the surrounding area and this part of the Monken Hadley Conservation Area.

5. Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason:

To safeguard the character and appearance of the Conservation Area.

6. 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 additional windows in the flank elevations of the extension hereby permitted.

Reason:

To safeguard residential amenity

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. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. 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.

9. 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.

10. 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. These details shall include:

- Location of materials storage and site accommodation
- Schedule of works including likely timescales
- Details of the hours of delivery/collection of materials to and from the site
- Details of contractor parking

The construction shall be carried out in accordance with the details as approved.

Reason:

To safeguard residential amenity and ensure a satisfactory appearance to the site during construction works

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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv4, D1, D2, D5, D12, D13, HC1, HC5, H27.

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 host property, the general street scene and this part of the Monken Hadley Conservation Area. It is not considered to have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The proposal is considered to 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: July 2011

Various

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv4, D1, D2, D5, D12, D13, HC1, HC5, H27.
Supplementary Design Guidance Note 5: Extensions to Houses
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: CS5

Relevant Development Management Policies (DPD) DM01, DM02.

Relevant Planning History:

N10246 Two storey front, side and rear extension. Refuse 29/01/1993

N10246A Two storey side, rear and front extension and single storey rear extension. Conditional Approval 29/06/1993

N10246B Demolition of existing garage block and erection of new garage block incorporating first floor games room in gabled roof. Conditional Approval 19/03/1996

N10246D Retention of use of first floor above garage as Dental Surgery for one dentist with ground floor access. Refuse 26/01/1999

N10246F/02 Use of first floor above garage as a self contained residential unit. Conditional Approval 20/11/2002

B/02557/10 Two storey front extension including new front entrance and first floor front balcony. Single storey rear extension. Alterations to fenestration to all elevations, removal of front and rear dormers and chimney. First floor rear extension including alterations to roof. Withdrawn 16/08/2010

Consultations and Views Expressed:

Neighbours Consulted: 6

Replies: 2 (one 'comment' also received)

Neighbours Wishing To Speak
To 0

The objections raised may be summarised as follows:

- Application is a creeping development and will remove what little sunlight is left to neighbouring houses
- The 1994 extension brought the building line of the Hollies 12ft in front of Fenton House and the current proposal will increase this to 27ft

Internal /Other Consultations:

Trees and Landscaping - See planning appraisal

Urban Design and Heritage - See planning appraisal

Monken Hadley and Wood Street Conservation Area Advisory Committee - We dislike the loss of chimneys and change of style of windows. The current impression is of a cottage and this is being lost. Proposal is a totally different style and mass and would be detrimental to the Conservation Area.

Further comments received from CAAC as a result of amended drawings: Still dislike loss of chimneys, change of windows destroys character. Even if it is smaller, it still does not enhance the Conservation Area.

Date of Site Notice: 03 March 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a detached single family dwelling located on the eastern side of Gladsmuir Road, positioned at the head of the road. Given this position, it is not highly visible from the road. This road is residential in character and comprised of large houses of varying styles and ages. The property is located within the Monken Hadley Conservation Area and an Area of Special Character.

The host property has previously been extended. There is an existing large detached garage to the side of the property.

There are a number of trees on and adjacent to the site which are covered under Tree Preservation Orders (TPO). All other trees benefit from a level of protection given the conservation area designation.

Proposal:

This application seeks consent for a two storey front extension including new front entrance, two storey rear extension, alterations to fenestration to all elevations, alterations to roof including increase in ridge height, removal of gable end and insertion of front side and rear rooflights to facilitate a loft conversion. An existing single storey rear projection and conservatory are to be demolished. This application follows the submission of a previous application under planning reference B/02557/10 which was withdrawn in August 2010.

Two storey front extension

This extension would be an infill extension to the front, bringing forward the recessed section of the property by 3.1m in line with an existing section of the property. This extension would be 5m wide. The existing cat slide roof to the front would be removed.

Two storey rear extension

The ground floor element would be 5m deep and 6.4m wide. It would be set off the boundaries with 7 Gladsmuir Road to the south by 12m and with Fenton House to the north by approximately 11.2m.

The first floor element would also be 5m deep and 6.4m wide. It would have a pitched roof and this would be set down from the main ridgeline (as increased) by 0.25m.

Increase of ridgeline, removal of gable and insertion of side rooflights and front and rear dormers

The height of the dwelling would be increased from 8.1m to 8.55m. The existing roof is currently gabled on the south elevation, close to the detached garage. This is to be changed to a hipped roof to match the other side.

Rooflights are proposed to the side elevations. Dormers are proposed to both rear and front. The rear dormer measures 1.4m wide, 1.6m high and 1.7m deep. The front dormers would both measure 1.2m wide, 1.4m high and 1.9m deep. The two existing rear dormers within the cat slide roof feature to the rear are to be removed.

The alterations to the fenestration involve new windows and new front entrance.

During the course of the application, significant amendments were made to address concerns relating to the overall impact of the extensions on the character and appearance of the application site and the conservation area.

Planning Considerations:

The council is committed to protecting, and where possible enhancing the character of the boroughs residential areas and retaining an attractive street scene. Extensions to houses, both individually and cumulatively can have a profound effect on the appearance of neighbourhoods and of the street scene and on the amenities enjoyed by the occupiers of adjoining properties. Extensions to properties should reflect the design of the original building, have regard to the character of the area and amenity enjoyed by the neighbours. This means making sure the extension does not disrupt the neighbours enjoyment of their own home, garden or neighbourhood.

The existing property is not statutorily listed or noted as a positive within the character appraisal statement. However it is considered to be characterful and is by no means harmful to the character and appearance of this part of the conservation area and can be said to make a neutral contribution. It is not highly visible from the street as a result of being almost hidden behind the existing detached two storey garage structure to the side of the property. The proposed extensions and overall alterations to this dwelling are considered to have an acceptable on the character of the building. The extensions do represent a significant change from the existing character and appearance of the dwelling however this in itself is not unacceptable because the resultant building is considered to preserve this part of the conservation area. This property is not read as part of the Gladsmuir Road street scene as a result of its positioning and as it is different in character and appearance to the neighbouring properties has a completely individual impact on this part of the conservation area. Within the Monken Hadley Conservation Area Character Appraisal Statement it states that 'Gladsmuir Road contains large houses of varying styles and ages. Most are of a pleasing design although there have been some unsympathetic alterations and extensions here'. It is considered that the extensions proposed would be sympathetic additions resulting in a property which is still able to make a neutral contribution to the conservation area.

The amendments received during the course of the application related to the size of the roof (which was reduced as a result of the previous drawings being incorrect), inclusion of dormers and reduction in the size of the two storey rear extension. The increase in the height of the dwelling of approximately 0.55m is considered to be a minimal alteration. The height of the two storey detached garage is currently higher than the existing dwelling and whilst the increase would see the height of the dwelling increase above that of the garage, it is a marginal increase which would not be visible given the isolation of the property. Also given the varying styles and ages of properties along Gladsmuir Road this allows for a degree of

variation in terms of heights.

The dormers and rooflights are considered to be acceptable additions and would be subordinate features within the roof. The dormers help to break up the mass of the roof and have been designed in such a way as to relate with the windows below. The removal of the existing front and rear dormers is welcomed as a result of their appearance and the materials used in the construction. To replace these with dormers which are more in keeping with the overall character and appearance of the dwelling is considered to be a positive change for this property.

The proposed development is not considered to have a harmful impact on the amenity of the neighbouring occupiers as a result of the secluded nature of the site. Given that there is dense boundary screening around the site, there is limited visibility in and around the site. It is considered that the extensions and alterations will not result in direct overlooking significantly higher than what may exist nor will the extensions be overbearing.

There were concerns with regards to the construction of the proposed extensions and the impact of this on trees on and adjacent to the site. Information has been submitted in respect of the construction working space, fencing and suggested locations for material storage. This information is considered sufficient to allow the LPA make a recommendation and determine which conditions would be appropriate. Subject to conditions, it is considered that the proposed development will have an acceptable impact on the health of trees on and adjacent to the site, retaining their special amenity value.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Dealt with in the main body of the report.

4. EQUALITIES AND DIVERSITY ISSUES

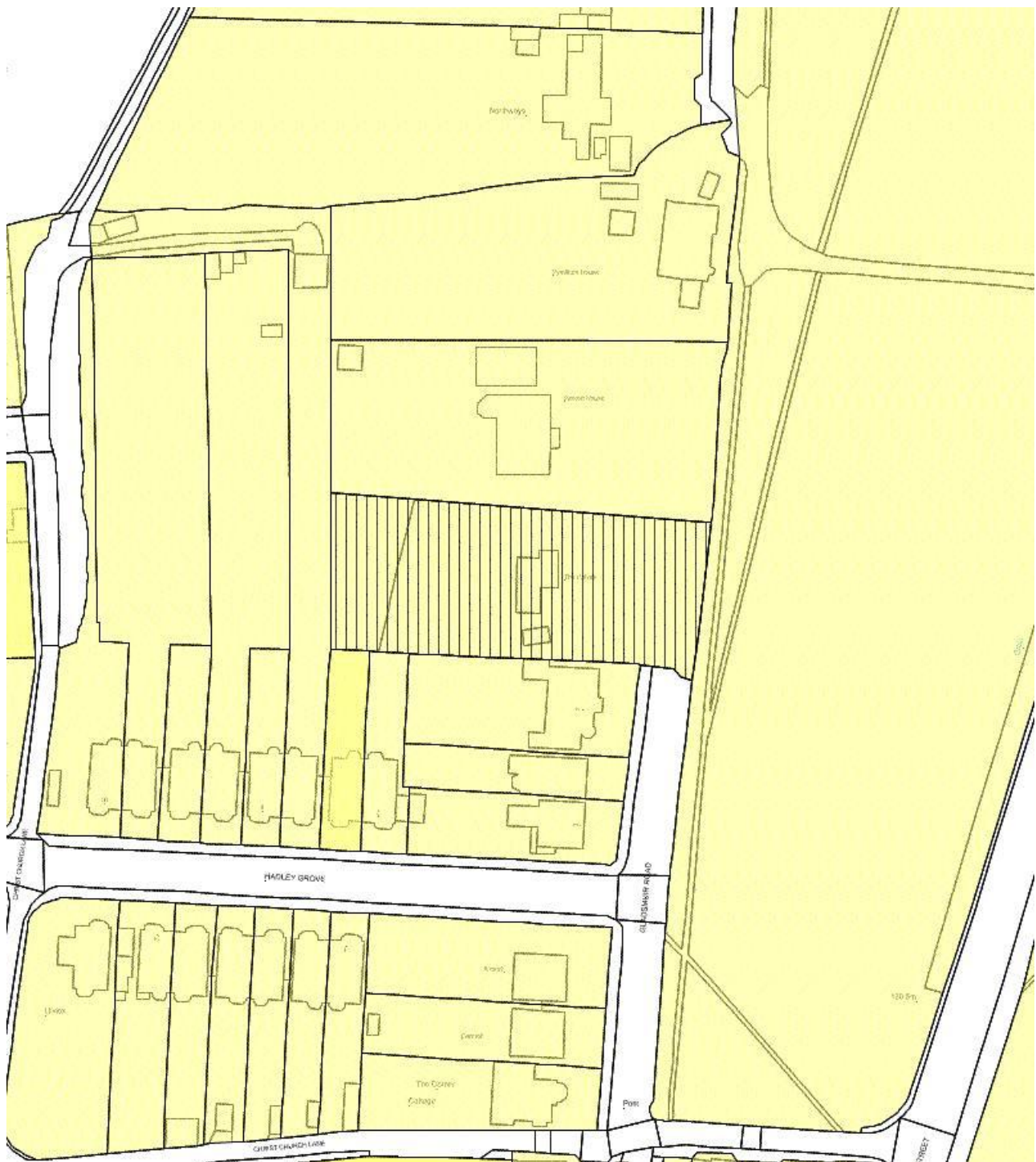
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

This proposal as amended is considered to accord with council policies and guidance and is therefore recommended for approval subject to conditions.

SITE LOCATION PLAN: The Hollies, Gladsmuir Road, Barnet, Herts, EN5 4PJ

REFERENCE: B/00520/11



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LOCATION: 10 Fursby Avenue, London, N3 1PL

REFERENCE: F/02543/11

Received: 20 June 2011

Accepted: 23 June 2011

WARD(S): West Finchley

Expiry: 18 August 2011

Final Revisions:

APPLICANT: Mr & Ms M Oprentice & Wixon

PROPOSAL: Erection of outbuilding in rear garden.

RECOMMENDATION: Approve Subject to Conditions

1. The plans accompanying this application are:- Location Plan; Planning Statement - June 2011; Email from Claire Hambleton [mailto:research@d2planning.co.uk] 02 August 2011 at 09:47 ('... I confirm that the application comprises the reduction in height of the existing garage to 2.5 meters'); Plan No's: Site Plan L(0)01 - Date Stamped 23 June 2011; Proposed Plan L(0)06 - Date Stamped 23 June 2011; Proposed Section/Elevation L(0)07 - Date Stamped 23 June 2011; Proposed Side Elevations L(0)08 - Date Stamped 23 June 2011; Proposed Rear Elevation L(0)09 - Date Stamped 23 June 2011; Block Plan L(0)10 - Date Stamped 23 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 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. 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.

5. The use of the outbuilding 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.

6. Notwithstanding the approved drawings, no kitchen facilities shall be installed within the hereby approved outbuilding at anytime.

Reason:

To control the planning 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 Mayor's London Plan: July 2011 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, D3, D5, H16, H27.

Core Strategy (Publication Stage) 2010: Relevant policies: CS5 & DM01.

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 considering the fall back position of the recent Certificate of Lawful Development. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

2. The applicant is advised that failure to implement this planning permission within two months from the date of this decision will result in the Planning Enforcement Team considering it expedient to enforce the existing enforcement notice.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications is 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.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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.

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, GBEnv2, D1, D2, D3, D5, H16 & 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.

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 policies: CS5 & DM01.

Relevant Planning History:

10 Fursby Avenue, London, N3 1PL

Application:	Planning	Number:	C/02854/D/07
Validated:	07/08/2007	Type:	192
Status:	DEC	Date:	02/10/2007
Summary:	LW	Case Officer:	
Description:	Construction of double detached garage following demolition of existing single garage at rear of the property.		

10 Fursby Avenue, London, N3 1PL

Application:	Planning	Number:	C/02854/E/08
Validated:	15/01/2008	Type:	192
Status:	DEC	Date:	22/02/2008
Summary:	LW	Case Officer:	Alissa Fawcett
Description:	Remove existing single garage and construct new brick double garage.		

10 Fursby Avenue, London, N3 1PL

Application:	Planning	Number:	F/00096/11
Validated:	24/12/2010	Type:	192
Status:	DEC	Date:	17/02/2011
Summary:	ULW	Case Officer:	Junior C. Moka
Description:	Reduction in height of the existing garage.		

10 Fursby Avenue, London, N3 1PL

Application:	Planning	Number:	F/00565/11
Validated:	28/02/2011	Type:	192
Status:	DEC	Date:	06/04/2011
Summary:	LW	Case Officer:	Junior C. Moka
Description:	Erection of single storey garage in the rear garden.		

Enforcement Notices

Reference Name: ENF/01393/09/F

Description: Enforcement Notice served under Section 171A(1)(a) of the Town & Country Planning Act 1990. (construction of a single storey garage in the rear garden)

Consultations and Views Expressed:

Neighbours Consulted:	16	Replies:	11
Neighbours Wishing To Speak	4		

The objections raised may be summarised as follows:

- Not in keeping aesthetically with the surrounding area;
 - The proposal is too dominant;
 - Bulk and size is inappropriate to the context;
 - Misleading information provided in the lawful Certificate of Lawful Development (F/00565/11) in respect to the raised platform;
 - Concerns that the use is structure as a domestic bungalow and self contained unit;
1. The should enforce against the enforcement notice;
 2. The pitch roof is too dominant;
 3. Light colour of the brickwork emphasises it bulk.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application property is a two-storey semi-detached dwelling in a suburban residential area of broadly similar properties. Given the local topography the dwellings on the application site side of Fursby Avenue are somewhat higher than most of their individual rear gardens which, nevertheless, generally rise again at the end towards an access track. Dwellings on Nethercourt Avenue are similarly situated. In addition to giving access to the rear of many of the properties on these two roads, the track also leads to an area of allotments.

Unusually therefore this backland area is largely within the public realm and contributes to the character and appearance of this part of the neighbourhood. Furthermore, because of the topography, the outbuildings and the rear elevations of the properties on the other road may be glimpsed through the gaps between dwellings when walking along these two highways.

The majority of properties on this side of Fursby Avenue that back onto the access track have changes in levels between the garden area closet to the back of the building and the access track (resulting in a change in gradient in the garden).

Proposal:

This application seeks full planning permission for the reduction in the height of the outbuilding in the rear garden to 2.5 metres.

This application follows the lawful Certificate of Lawful Development (F/00565/11) issued in which the applicant asked for a proposed garage with a maximum height of 2.5 metres by the rear boundary of 12 Fursby Avenue following the demolition of the existing garage [as stated by email] to comply with the requirements of the Planning Enforcement Notice on this site.

The Appeal Inspector, Brian Cook's decision on 7 December 2010 (APP/N5090/C/10/2125270) for an appeal made by Mr Oliver Prentice against an enforcement notice issued by the Council of the London Borough of Barnet, which concluded that *"I direct that the enforcement notice be corrected by the substitution of the plan attached to this decision (Plan A) for the plan attached to the notice. Subject to this correction I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended."*

Planning Considerations:

The main issue in this case is whether or not the proposal would result in a loss of outlook, sunlight and increased sense of enclosure as perceived from the adjacent garden of the neighbouring property at no. 12 and the potential impact on the character and appearance.

This is considered to be covered under two main areas:

4. The living conditions of neighbouring residents;
5. 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 proposal.

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 D5 and H16 seek, amongst other things, 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 acknowledged that the Inspector stated that on the grounds of Living conditions of 12 Fursby Avenue stated that *"Given the relative levels of the land and its very close proximity to the common property boundary, the garage certainly appears as a high wall when standing at the end of the garden of No 12 Fursby Avenue. However, even during my late autumn site inspection, it was well screened by shrubs and other planting in that garden and I consider the height to be much less apparent from those areas near to the house. I do not therefore consider there to be an enclosing effect on the garden as a whole."*

"There is less screen planting in the garden of No 8 thus allowing those residents a clearer view of the garage. However, the garage is not on their common boundary and the distance from the house is such that it is not overbearing in my opinion."

It is therefore considered, that the proposed reduction in the height of the building will only improve the current level of outlook from and light to the rear garden and sense enclosure in the rear garden to no. 12. As a result, this proposal is considered to comply with policy D5.

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.

It is again acknowledged that the Inspector stated that on the grounds of character and appearance, that.... *"There are numerous outbuildings within and at the end of the gardens, many of which are accessed from the track. All of these features contribute to the character and appearance of the area and the outbuildings in particular vary considerably in design and the materials from which they are constructed."*

"However, their common characteristic is their modest scale which is in keeping with the size of the gardens within which they sit. In contrast, the appeal garage is substantially longer and higher than most others and the dual pitched roof is unusual. It is a dominant building within this local area and at odds with the prevailing character established by the others. While not doubting the quality of the materials that have been used, their relatively light colour only serves to draw attention to the building and emphasise its bulk."

"For these reasons the development carried out does not reflect an appreciation of the local character and quality of the area and thus causes harm to its character and appearance."

In considering this view, the recent Certificate of Lawful Development (F/00565/11) and the legal advice received from the council's Legal Team, it is considered that the proposed structure reduced in height would accord with the size and height that would be within the permitted development criteria. It is an important issue to consider that the justification of making a decision which cannot be challenged on the basis of irrationality or be subject to a costs award on the basis of unreasonable behaviour. The question that is essentially, what would be the most pragmatic and reasonable manner in how to deal with this situation?

In essence it is accepted by the LPA that the proposed structure if reduced would be permitted development as a matter of law. On this basis the Legal Team's view is that it would be irrational and subject to challenge if the LPA were to recommend refusal to the proposed structure as amended.

Further, it was considered that in the event that the structure was reduced to a height permitted by the General Permitted Development Order 1995 (GPDO), the LPA would consider that it wouldn't be expedient to enforce the enforcement notice in the event that a timely appeal was made against a decision to refuse this application at this committee (within a month). Even though strictly speaking the terms of the enforcement notice have not been complied with, it is the view that again it would be difficult to understand why the LPA would

consider it to be reasonable to require the need to completely demolish the structure, when simply reducing the height of the structure would still achieve the same effect.

As a result the committee members are advised that in complying strictly with the terms of the enforcement notice, to then build a structure which is essentially permitted development would no doubt in these economic times have an adverse financial impact which would be deemed as being a material consideration.

Therefore, considering the fall back position of the recent Certificate of Lawful Development (F/00565/11) this application is considered to be acceptable despite the conclusions of the Inspector.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not considered to constitute a reason for refusal considering the recent planning history in the application site noted in the planning history section of this report and the legal advice 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

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 considering the fall back position of the recent Certificate of Lawful Development. 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: 10 Fursby Avenue, London, N3 1PL

REFERENCE: F/02543/11



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LOCATION: 89 Queens Avenue, London, N3 2NN

REFERENCE: F/03264/11

Received: 01 August 2011

Accepted: 10 August 2011

WARD(S): Woodhouse

Expiry: 05 October 2011

Final Revisions:

APPLICANT: Ms L Shahidi

PROPOSAL: Two storey side extension and conversion into 3 self contained residential units. Single storey extension to existing detached self-contained unit.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan - TQ2691SW; EX01A; EX02A; QE03; QP01B; QP02B; QP03A; QP04A; SCE04A.

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. 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.

5. The dwelling named 'House 1' on plan number QP01B, 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). The dwelling shall not 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. 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.

7. 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.

8. 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.

9. 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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following polices are relevant:
Adopted Barnet Unitary Development Plan (2006):GBEnv1, D1, D2, D4, D5, D6, H16, H17, H18.

The Mayor's London Plan: July 2011; 3.5

Core Strategy (Publication Stage) 2010: CS5

- ii) The proposal is acceptable for the following reason(s): -
The proposal complies with council policies that seek to preserve the character of areas and individual properties. The size, siting and design of the proposal is such that it would not have a detrimental impact on the amenity of neighbouring occupiers.

1. MATERIAL CONSIDERATIONS

The Mayor's London Plan: July 2011: 3.5

Relevant Unitary Development Plan Policies:

GBEnv1, D1, D2, D4, D5, D6, H16, H17, H18, M14, M17, CS1, CS2, CS3, CS8, IMP1, IMP2.

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, DM01

Consultations and Views Expressed:

Neighbours Consulted:	54	Replies:	3
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- Removal of trees would alter the character of the street
- Removal of trees would cause damage to boundary
- Parking issues
- Refuse issues
- Site Location Plan is incorrect
- Loss of light
- Danger to pedestrians
- Overlooking
- Noise and disturbance

Internal /Other Consultations:

6. Traffic & Development -

No objection in principle to the scheme at the time of writing the report. Formal comments to follow in the addendum, once refuse layout has been confirmed.

Date of Site Notice: 18 August 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located at the northern edge of Queens Avenue in Woodhouse. The site consists of a four bedroomed family house, located on a sizable plot of land, and a two storey self-contained unit situated to the East of the main property.

Proposal:

The application relates to an extension to the dwelling in the area of land to the West of the property. This is to facilitate the conversion of the property into 3 separate houses. Also proposed is a ground floor extension to the existing self contained unit.

Planning Considerations:

The side extension to the main property projects to the side by a distance of 7.5m. Due to the width of the site, this extension does not occupy a significant proportion of land and still allows a distance of approximately 4m to the side boundary to accommodate landscaping and amenity space.

The conversion of the dwelling into three separate properties is considered to be acceptable in principle. It is considered that the density proposed in relation to the site is adequate. The plot widths relate to the general character of the street and would not appear cramped or out of keeping with the general pattern of development in the surrounding area.

The side extension would accommodate 'House 1', whilst the existing property would accommodate two further houses. The development would result in 1 x (3bed) property, 2 x (2bed) properties, and 1 x (1bed) property. The room sizes are in accordance with the Councils Supplementary Planning Guidance 'Sustainable Design and Construction' and meet the space standards of the London Plan (2011)

Character

The character of the side extension that accommodates 'House 1' takes a strong relationship with the existing property and continues the desirable architectural features such as the front 'half dormer' and the Tudor detailing.

An area of the existing front garage is proposed to be removed in order to allow parking for 'House 1' and the remainder of the garage is proposed to be converted into living accommodation.

Neighbouring amenity

The property has a rear boundary that backs onto a more recently developed property at 39b Holdenhurst Avenue. The development would largely project along the side elevation of this neighbouring property. There is an obscure glazed window that serves the bathroom on the first floor of the neighbouring property, although this is not considered to be a principle window. A ground floor window is also located on this neighbouring elevation, although this is currently enclosed by the boundary fence and would not result in any further enclosure than what exists. This window is South facing and therefore the sun is positioned at its highest point when it moves across the front of the window and across the front of 'House 1'. It is therefore not considered that the proposal would result in any significant loss of direct sunlight into this neighbouring property window.

The extension is situated a significant distance from 87 Queens Avenue and 41b Holdenhurst Avenue and it is not considered that there would be any significant loss of neighbouring amenity to these neighbouring properties.

Self-contained flat

The self contained unit proposes to extend the ground floor by a distance of 4m to the Northern edge of the building. There are no neighbouring windows in close proximity. The extension runs along the rear boundary of the property at 87 Bow Lane and the extension is located a significant distance from any neighbouring window at this property.

The extension would protrude closer to 'House 3', although there are no principle windows that the extension would enclose and the single storey nature of the extension ensures that it would not appear dominant or significantly enclosing on the surroundings.

Parking

The site has allowed four parking spaces for the development which is considered to be within the parking requirements in the Barnet UDP (2006). Highways have considered the scheme and have recommended that the scheme is acceptable on Highways grounds.

The properties all provide sufficient amenity space and conform to the space standards within policy H18 of the Barnet UDP (2006). The amenity space is considered to be of an acceptable standard.

The proposal respects the constraints of the site, is non-obtrusive and respects the character of the area. It is considered that the proposal has adhered to principals that are outlined within Barnet Design Guidance Note 5 and policies that are outlined within the Barnet UDP.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- *Removal of trees would alter the character of the street*
- *Removal of trees would cause damage to boundary*

None of the trees on the site benefit from statutory protection. A condition has been attached to the decision in order to ensure that existing trees are maintained as much as possible. Any removal of trees and roots considerations will be dealt with during the building regulations stage.

- *Parking issues and danger to pedestrians*
- *Refuse issues*

Amended plans have been received which indicate that the parking requirements have been met and that there is adequate area for refuse facilities.

- *Site Location Plan is incorrect*

An updated site plan has been received by the applicant indicating the more recent properties in the area.

- *Loss of light*
- *Overlooking*
- *Noise and disturbance*

These matters have been considered within the officer 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 proposal complies with council policies that seek to preserve the character of areas and individual properties. The size, siting and design of the proposal is such that it would not have a detrimental impact on the amenity of neighbouring occupiers. The proposal is therefore recommended for **Approval**.

SITE LOCATION PLAN: 89 Queens Avenue, London, N3 2NN

REFERENCE: F/03264/11



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LOCATION: Dick Turpin, 383 Long Lane, London, N2 8JW

REFERENCE: F/03082/11

Received: 21 July 2011

Accepted: 21 July 2011

WARD: East Finchley

Expiry: 15 September 2011

Final Revisions:

APPLICANT: Mr A H Warwick

PROPOSAL: Erection of a two storey building plus rooms in roofspace and basement living accommodation and parking, all to facilitate 8 residential flats following demolition of the public house.

RECOMMENDATION:

That the committee agree changes to the requirement of the section 106 agreement as follows:

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) £9,637.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £973.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £7,026.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Open Spaces (East Finchley and West Finchley wards) £3,500.00**
A contribution towards the improvement of Open Spaces in the London Borough of Barnet.
- 7 **Monitoring of the Agreement £881.80**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1, PPS3

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: CS1, CS8, CS13, IMP1, IMP2.

Supplementary Planning Documents:

Contributions to Education (2008)

Contributions to Libraries (2008)

Contributions towards Health (2009)

Planning Obligations for S106 Agreements (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:

Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach

Policy CS 4 Providing quality homes and housing choice in Barnet

Relevant Development Management Policies:

DM01 Protecting Barnet's character and residential amenity

DM06 Ensuring a variety of sizes of new homes to meet housing need

2. PLANNING APPRAISAL

The site is a public house single family house at the corner of Long Lane and New Trinity.

On 21 July 2011, the applicant submitted a planning application for the demolition of the existing public house and erection of a two storey building to provide 8 residential units

comprising 2 x 1 bedroom units and 6 x 2 bedroom units with associated parking and landscaping.

The application was approved at the 7th September East Area Planning Sub-Committee subject to the completion of a section 106 agreement to secure the following contributions:

Education Facilities (excl. libraries)	£17,436.00
A contribution towards the provision of Education Facilities in the borough.	
Libraries (financial)	£1,112.00
A contribution towards Library Facilities and Resources in the borough	
Health	£8,708.00
A contribution towards Health Facilities and Resources in the borough	
Open Spaces (boroughwide)	£3,500.00
A contribution towards the improvement of Open Spaces in the London Borough of Barnet.	
Monitoring of the Agreement	£1,662.80
Contribution towards the Council's costs in monitoring the obligations of the agreement.	

The Education, Libraries, Health and Monitoring figures reported to committee were not correct. The figures relating to education, libraries and health were calculated on the basis of 2 x 1 bedroom units and 6 x 2 bedroom units as indicated on the planning application form.

Whilst the application was being considered by officers, it transpired that the upper floor of the public house had been used as a two bedroom unit. The net gain of residential units on site as a result of the planning permission is therefore 2 x 1 bedroom units and 5 x 2 bedroom units.

Although this discrepancy was picked up before the date of the committee, the figures were not amended in the report. This was an officer's oversight. The amended figures comply with Adopted Supplementary Planning Documents relating to Contributions to Education (2008), Contributions to Libraries (2008), Contributions towards Health (2009) and Planning Obligations for S106 Agreements (2007).

The amended corrected figures are as follows:

Education Facilities (excl. libraries)	£9,637.00
A contribution towards the provision of Education Facilities in the borough.	
Libraries (financial)	£973.00
A contribution towards Library Facilities and Resources in the borough	
Health	£7,026.00
A contribution towards Health Facilities and Resources in the borough	
Open Spaces (East Finchley and West Finchley wards)	£3,500.00
A contribution towards the improvement of Open Spaces in the London Borough of Barnet.	

Monitoring of the Agreement**£881.80**

Contribution towards the Council's costs in monitoring the obligations of the agreement.

The contributions 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.

All of the above contributions are sought under Policies IMP1 and IMP2 of the Adopted UDP (2006). The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

3. CONCLUSION

The committee is requested to agree changes to the contributions as required under the section 106 agreement as detailed above.

SITE LOCATION PLAN: Dick Turpin, 383 Long Lane, London, N2 8JW

REFERENCE: F/03082/11



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