

EAST AREA PLANNING SUB - COMMITTEE

11 JANUARY 2012

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: 11 January 2012

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B/00753/11

East Barnet Ward

69 Jackson Road, Barnet, Herts, EN4 8UU (Land rear of)

Erection of a three storey building including rooms in roofspace to create 3no self-contained residential units. Associated access from Church Hill Road and 3 parking spaces. (Outline Application)

Approve Subject to Conditions

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F/03239/11

West Finchley Ward

114-116 Nether Street, London, N12 8EU

Demolition of existing dwellings and construction of a three storey detached building with rooms in roofspace and basement car-parking to provide 14 self-contained flats.

Approve Subject to S106

LOCATION: 69 Jackson Road, Barnet, Herts, EN4 8UU (Land rear of)

REFERENCE: B/00753/11 **Received:** 15 February 2011
Accepted: 23 February 2011

WARD(S): East Barnet **Expiry:** 20 April 2011

Final Revisions:

APPLICANT: Mr Benedyk & Mr M Reuben

PROPOSAL: Erection of a three storey building including rooms in roofspace to create 3no self-contained residential units. Associated access from Church Hill Road and 3 parking spaces. (Outline Application)

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Number 771 003C (Received 21.07.2011); Drawing Number 771 002B (Received 05.07.2011); Design and Access Statement dated February 2011 (Received 23.02.2011); E-mail sent from DPA (London) Ltd on 21 December 2011 (Received 21.12.2011).

Reason:

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

2. Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

3. Details of the scale, layout and landscaping (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason:

To ensure a satisfactory development.

4. The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

5. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

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

6. Before the development hereby permitted commences, details 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.

7. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

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

8. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

9. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

10. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development.

11. Before the development hereby permitted commences details of all boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To safeguard the character and appearance of the locality.

12. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 771 002B 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.

13. Before the building hereby permitted is occupied the lower half of each of the proposed bay windows in the front elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

14. 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.

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

Reason:

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

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

Reason:

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

17. 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.

18. Before the development hereby permitted commences details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details as approved.

Reason:

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

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:
Policies GBEnv1, GBEnv2, GParking, D1, D2, D3, D4, D5, H16, H18, M11, M12, M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006; Planning Policy Statement 1 (PPS1) - Delivering sustainable development; Planning Policy Statement 3 (PPS3) - Housing; and the requirements of Supplementary Planning Document "Sustainable Design and Construction."
Core Strategy (Publication Stage) 2010:
Relevant policies: CS1, CS4 and 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 general locality. It is not considered to have a harmful impact on the amenities of neighbouring occupiers and is in accordance with aforementioned policies.

2. Any details submitted in respect of the Construction Method Statement shall indicate how the hours of operation will be controlled, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and any proposed lighting as part of the construction process.
3. The applicant is advised that Church Hill 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, Planning and Regeneration Directorate should be consulted in this respect.
4. The applicant is advised that if bats are found to be present on the site, a European Protected Species (EPS) mitigation licence issued by Natural England may be required prior to any works taking place.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement 1 (PPS1) - Delivering sustainable development.
Planning Policy Statement 3 (PPS3) - Housing.

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

Following the Ministerial Statement on 9th June 2010 and the consequent change to PPS3, gardens are no longer classified as previously developed land. Whilst the change to PPS3 does not rule out the development of garden land, it means that such schemes can no longer be regarded as beneficial in terms of the clear aim within PPS3 of directing the majority of residential development towards previously developed land. The revised PPS3 is intended to prevent harmful forms of development on garden sites and gives increased recognition to gardens as an environmental asset.

The Government has amended PPS3 with the following changes:

1. private residential gardens are now excluded from the definition of previously developed land in Annex B;
2. the national indicative minimum density of 30 dwellings per hectare is deleted from paragraph 47.

These changes are material considerations to be taken into account, where relevant, in determining planning applications.

The Mayor's London Plan: July 2011

Various.

All residential units will be required to meet the minimum internal space standards for residential development as set out in the newly adopted London Plan 2011 (page 87). These standards are now used as the new benchmark ahead of the requirements set out in the Council's Supplementary Planning Document 'Sustainable Design and Construction.'

Relevant Unitary Development Plan Policies:

GSD, GBEEnv1, GBEEnv2, GParking, D1, D2, D3, D4, D5, H16, H17, H18, M11, M12, M14, CS2, CS8, CS13, IMP1 and IMP2. Supplementary Planning Document: Planning Obligations; Supplementary Planning Document: Contributions to Education; Supplementary Planning Document: Health Facilities; Supplementary Planning Document: Contributions to Libraries; and Supplementary Planning Document: Sustainable Design and Construction.

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

On 21 February 2008, following public consultation, an SPD "Contributions to Education" was adopted by the Council. This provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development. The contributions were increased from 1 August 2009.

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

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

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

Core Strategy (Publication Stage) 2010

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

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

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

Relevant Core Strategy Policies:

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:

DM01, DM02, DM03, DM08 and DM17.

Relevant Planning History:

1 Oakleigh Court, Church Hill Road, Barnet, Herts, EN4 8UX

Application:	Planning	Number:	N/10810/H/06
Validated:	02/03/2006	Type:	APF
Status:	REG	Date:	
Summary:	Case Officer: Martin Westwood		
Description:	Amendment to planning appeal, reference APP/N5090/A/01A1064026 dated 02/08/2001, to reduce the permitted car parking spaces from 23 to 15 car parking spaces.		

Oakleigh Court, Church Hill Road, Barnet, Herts, EN4 8UX

Application:	Planning	Number:	N/10810/G/06
Validated:	14/02/2006	Type:	APF
Status:	DEC	Date:	15/01/2007
Summary:	Case Officer:		
Description:	Construction of single storey four-bedroom dwelling adjacent to Oakleigh Court with associated off-street parking and amenity space.		

1 Oakleigh Court, Church Hill Road, Barnet, Herts, EN4 8UX

Application:	Planning	Number:	N/10810/E/04
Validated:	23/11/2004	Type:	APF
Status:	DEC	Date:	28/01/2005
Summary:	REF	Case Officer:	
Description:	Erection of new two storey residential block to form 4 no. 1 bed self contained flats. Additional 4 No. parking spaces and bin store.		

Oakleigh Court, Church Hill Road, Barnet, Herts, EN4 8UX

Application:	Planning	Number:	N/10810/D/03
Validated:	02/10/2003	Type:	APD
Status:	DEC	Date:	27/11/2003
Summary:	AP	Case Officer:	James Rodger
Description:	Submission of details of cond. 3 (landscaping) and cond. 5 (materials) pursuant to N10810B/00 appeal dated 02/08/2001 for extensions and alterations to 2no. existing blocks of flats incorporating mansard roofs with dormer windows to front and rear to provide 6 extra flats.		

Oakleigh Court, Church Hill Road, Barnet, Herts, EN4 8UX

Application:	Planning	Number:	N/10810/C/03
Validated:	12/03/2003	Type:	APF
Status:	APD	Date:	07/05/2003
Summary:	DIS	Case Officer:	James Rodger
Description:	Erection of 3 storey building comprising 6 two-bed self-contained flats and 4 parking spaces.		

1 Oakleigh Court, Church Hill Road, Barnet, Herts, EN4 8UX

Application:	Planning	Number:	N/10810/B/00
Validated:	06/12/2000	Type:	APF
Status:	APD	Date:	29/01/2001
Summary:	APC	Case Officer:	Cathy Munonyedi
Description:	Extensions and alterations to 2no. existing blocks of flats incorporating mansard roofs with dormer windows to front and rear to provide an additional 2no. 2 bed and 1no. 3 bed flats to both blocks (6 flats in total). Alterations to existing turning area to provide additional car parking.		

Consultations and Views Expressed:

Neighbours Consulted: 84
Neighbours Wishing To 3
Speak

Replies: 26

The objections raised may be summarised as follows:

- Concern regarding the definition of a 'Brownfield site';
- Concern that East Barnet Road will become a high density area of mainly non-family flats and subsequent increase in anti-social behaviour;
- Concern regarding the destruction of green land / garden land for profit;
- Overlooking and loss of privacy;
- Loss of light;
- Concern regarding the replacement of the orchard with a block of flats;
- Need for family homes, not 1-bed flats;
- Concern regarding loss of trees on this site;
- Concern regarding the scale and appearance of the proposed building;
- Overshadowing;
- Noise from residents of proposed building;

- Impact on nature conservation;
- Loss of view;
- Precedent of back garden development;
- Out of keeping;
- Concern regarding pressure on existing infrastructure, e.g. mains water and soak away;
- Sense of enclosure;
- Cramped form of development;
- Concern that the loss of trees on site will affect the ground water conditions - subsequent impact on neighbouring dwellings and drainage system;
- Impact on the established character of the streetscene and pattern of development in the locality;
- Obtrusive and overbearing form of development;
- Contrary to policy CS5 of the Core Strategy and policy H1 of the UDP;
- Impact on wildlife;
- Noise and disturbance from use of car park and recycling / waste area;
- Concern regarding emissions and waste;
- Impact on property value;
- Increase in surface water run-off;
- Concern that there is no current access to the site;
- Inadequate amount of amenity space;
- Concern that the proposed development is not sustainable and that Code Level 3 is inadequate;
- Concern that the application does not indicate how the proposal will meet Part M of Building Regulations re. disabled access;
- Request for condition re. the erection of a 2m tall fence along the rear boundary;
- Request for condition re. no balconies on the rear elevation;
- Request for condition re. restriction on material delivery times;
- Query re. inaccurate labelling of floor plans;
- Impact of construction on the sewage system;
- Impact on local services;
- Impact on traffic;
- Impact on visual amenities of neighbouring occupiers;
- Concern regarding increase in pollution from increased traffic;
- Concern regarding impact on bats.
- Concern regarding the type of future occupants.
- Concern that there is no access to the site.

Internal /Other Consultations:

Traffic & Development

The proposal is for construction of new dwelling block consisting of 3 self contained flats. A total of 3 new off street parking spaces are proposed in the forecourt of the new building. Vehicle access will be from Church Hill Road, via an existing private access road. The parking provision is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006.

The applicant must ensure that the development has right of way for vehicle access through the private access road. I have no objections on highways grounds as the proposal is not expected to have a detrimental impact on the public highways. Recommend approval subject to conditions and informatives

2. PLANNING APPRAISAL

Site Description and Surroundings:

This application relates to an area of land located at the western end of Oakleigh Court, and to the rear of No.s 67 - 69 Jackson Road. This land forms part of an extended rear garden at No.69 Jackson Road and is currently vacant and overgrown.

Oakleigh Court is a gated development of two 3-storey blocks of flats (with rooms in the roofspace), positioned on the northern and southern sides of a private access road leading from the western side of Church Hill Road. Parking is provided to the fronts of these two blocks, and the refuse storage area is located close to the gated entrance.

Proposal:

This application seeks outline consent for the erection of a three-storey building including rooms in the roofspace, to create 3 self-contained residential units, with associated access from Church Hill Road and 3 parking spaces.

The proposed building would sit adjacent to the western flank elevation of the 'northern' block of flats and would measure 7.85m wide (sitting 2.8m from the adjacent block of flats and 0.95m - 1.3m from the sites western boundary); 7.8m deep (sitting slightly further back from the front elevation of the adjacent block of flats; approximately 20m from the rear of the new dwelling opposite / at Churchmead Close; and 6.7m - 8.6m from the rear boundary with Nos 67 - 69 Jackson Road); and 7.8m in height to the eaves / 10.9m to the top of the crown roof (sitting approximately 0.75m below the ridge of the existing block of flats). Three new parking bays have been incorporated to the front of this new building and the refuse area would be located adjacent to that of the existing flatted development. The site would be accessed via the existing private access road through Oakleigh Court (from the main entrance on the western side of Church Hill Road).

Amendments were made during the course of this application, involving the re-configuration of the internal layout; the incorporation of obscure glazing to the lower half of the habitable room windows on the front elevation; reductions in the depth and height of the building; the replacement of the dormer window on the front roofslope with rooflights; and alterations to the design of the front elevation, to address the Council's concerns over the design and appearance of the proposed building; and possible overlooking from the habitable rooms to the new dwelling at No. 26 Churchmead Close.

Planning Considerations:

Principle of Development

Following the Ministerial Statement on 9th June 2010 and the consequent change to PPS3, gardens are no longer classified as previously developed land. Whilst the change to PPS3 does not rule out the development of garden land, it means that such schemes can no longer be regarded as beneficial in terms of the clear aim

within PPS3 of directing the majority of residential development towards previously developed land. The revised PPS3 is intended to prevent harmful forms of development on garden sites and gives increased recognition to gardens as an environmental asset. In this case however, the application site is an extension to the garden at No.69, sitting to the rear of the sites at Nos 67 - 69 Jackson Road. As such, it seems to fit in as part of the Oakleigh Court site and appears detached from the sites on Jackson Road. The principle of developing this site is therefore considered acceptable. In addition, due to the location of the site and its integration with the existing flatted development, the principle of constructing a block of flats on this plot of land is considered acceptable.

Impact on Character, Appearance and Streetscene

Policies D1, D2, D3, D4 and D5 of the Borough's Unitary Development Plan 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 advocates that size, height, mass and appearance of the new building should be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

Due to the size, design and siting of the proposed building, particularly in relation to the existing blocks of flats at Oakleigh Court, this proposal is not considered to have a detrimental impact on the character or appearance of the application site or the general locality. A materials condition has however been suggested to ensure that the finishes are in keeping and informed by those in the local area.

Due to the size of the proposed building in relation to the size of the site, and considering the existing urban grain and layout in this area, the proposed development is not considered to result in overdevelopment of the site.

Impact on Neighbouring Amenities

Policy D5 aims to protect that new development allows for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers.

Due to the distance of the proposed building from the flats and new dwelling opposite (at land adjacent to No.25 Churchmead Close), and as the lower half of the habitable room windows on the front elevation will be obscure glazed, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupiers of these properties in terms of overbearing, loss of light, loss of outlook, overlooking and loss of privacy.

It is acknowledged that the proposed building would sit at a distance of 6.7m - 8.6m from the rear boundary with No.s 67 - 69 Jackson Road, however considering the distance of the existing flats from this boundary, the depth of the rear gardens along Jackson Road, the existing mature trees and shrubbery along the rear boundary; and the height of the proposed building in relation to the existing blocks, this proposal is not considered to have a detrimental impact on the amenities of the neighbouring properties at Jackson Road in terms of overbearing, loss of light or loss of outlook. A condition has been imposed requiring the submission of landscaping details to ensure that an adequate level of soft landscaping and screening is provided, in order to protect the amenities of the neighbouring occupiers and the character and appearance of the application site.

It is acknowledged that there are habitable room windows on the rear elevation of the building facing the rear gardens of No.s 67 - 69 Jackson Road, however due to

the existing habitable room windows on the rear elevation of the adjacent block of flats, the refusal of the application on the grounds of overlooking or loss of privacy is not considered justifiable.

Internal Floorspace

All residential units are now required to meet the minimum internal space standards for residential development as set out in the newly adopted London Plan 2011. These are as follows:

- 1 person - 37 sqm;
- 1 bed 2 person - 50 sqm;
- 2 bed 3 person - 61 sqm;
- 2 bed 4 person - 70 sqm.

The floorspaces for each of the proposed flats are as follows:

- Flat A (1 bed / 1 person) - approximately 43 sqm.
- Flat B (1 bed / 1 person) - approximately 43 sqm.
- Flat C (2 bed duplex / 3 person) - approximately 88 sqm.

The internal floorspace of each unit is above that required under the London Plan 2011.

Appendix 1 of the London Borough of Barnet Supplementary Planning Document: Sustainable Design and Construction (June 2007) states the minimum dimensions and floor areas for individual bedrooms. The proposal is considered to be acceptable in terms of floor dimensions and floor areas for individual rooms.

Amenity Space Standards

Under Policy H18 of the Unitary Development Plan, 5 square metres of space is required per habitable room, for flats. As rooms exceeding 20sqm must be counted as two, the proposed scheme must be considered to have 11 habitable rooms. From the submitted plans it appears that there would be approximately 89sqm of private amenity space to the rear of the building, in accordance with council policy.

Parking/Access

Access to this site would be via the existing gated access / driveway leading from Church Hill Road.

The parking provision for the proposed development is in accordance with the parking standards set out in the London Borough of Barnet Adopted Unitary Development Plan 2006 and meets the requirements of the Council's Traffic and Development Team, who have raised no objection to the application. The proposed development is therefore not considered to have a detrimental impact on parking provision or pedestrian or highway safety.

Contributions

The proposed development is below the affordable housing threshold, however, still requires a contribution to be made towards education, health and library facilities in the borough. UDP Policies and adopted Supplementary Planning Documents recognise that new residential developments can have implications for and place additional demands upon educational and library services. A condition has been suggested.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly dealt with in the above report.

- Due to the nature of this development, it is not considered to have a detrimental impact in terms of anti-social behaviour.
- As the existing trees on this site are not protected under a Tree Preservation Order, their removal does not require consent.
- Due to the existing blocks of flats on this site, the flatted development is considered to be an appropriate use.
- Due to the size and nature of this development, it is not considered to result in increased noise and disturbance.
- Due to the nature and siting of the proposed development, it is not considered to have a detrimental impact on wildlife / nature conservation.
- Possible impacts on sewage systems, drainage systems, mains water or soak-aways, are not material planning considerations.
- Due to the size and nature of this development, it is not considered to have a detrimental impact in terms of emissions or waste.
- The impact of a proposed development on property value is not a material planning consideration.
- No balconies are proposed on the rear elevation of the building. Planning permission would be required for the installation of any balconies.
- A condition has been imposed to ensure that the proposed development meets Code Level 3 for sustainable homes, which is considered sufficient.
- The assessment of the application in relation to Building Regulations would be carried out by the Building Control Team and would not form part of this planning application.
- A condition has been imposed requesting the submission of boundary treatment details.
- A condition has been imposed restricting the hours of working.
- The proposed floor plans appear to have been accurately labelled.
- Due to the size and nature of the proposed development, it is not considered to have a detrimental impact on local services.
- Due to the size and nature of this proposal, it is not considered to have a detrimental impact in terms of pollution.
- The type of occupier / tenant is not a material planning consideration in the determination of the application.
- Whilst objections have reported that bats have been sighted in the area, the nature of the trees on this site is such that it is unlikely that the site supports bat roosts and following Natural England's guidelines no survey has been considered necessary. Having spoken with a number of local residents, it would appear that there have been no confirmed sightings of bats in and around this site. It is nevertheless recommended that an informative be added stating that should any protected species be encountered during the course of the development the works should cease and expert advice sought.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN:
rear of)

69 Jackson Road, Barnet, Herts, EN4 8UU (Land

REFERENCE:

B/00753/11



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LOCATION: 114-116 Nether Street, London, N12 8EU

REFERENCE: F/03239/11

Received: 02 August 2011

Accepted: 15 August 2011

WARD(S): West Finchley

Expiry: 14 November 2011

Final Revisions:

APPLICANT: W E Black Ltd

PROPOSAL: Demolition of existing dwellings and construction of a three storey detached building with rooms in roofspace and basement car-parking to provide 14 self-contained flats.

RECOMMENDATION: APPROVE SUBJECT TO S106

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £14,819.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,146.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £10,090.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,302.75**
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 7 **Special Site-Specific Obligation £0.00**
A review process when the development is complete to assess whether revenues generated by the sale of the flats is sufficient to provide a financial contributions towards the provision of affordable housing in the London Borough of Barnet.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/03239/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan 900/08/07), Design and access statement, Viability statement, Energy demand and code pre assessment statement, Drawings 11/3240/1A, 11/3240/5A, 11/3240/LP1, 11/3240/7A, 11/3240/6A, 11/3240/4A, 11/3240/3A, 11/3240/2A.

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 works (including demolition or site clearance) shall start until a Code for Sustainable Homes pre-assessment has been submitted to and approved in writing by the local planning authority.
The dwellings shall achieve a Code Level 4 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).

Reason:

To ensure that the development is sustainable and complies with policies GSD & ENV2 of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and to protect the character of the area.

4. No dwelling shall be occupied until a Final Code Certificate 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) has been issued certifying that Code Level 4 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 policies GSD & ENV2 of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

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

Reason:

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

6. Before the development hereby permitted commences, details 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.

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. 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.

9. Before the development hereby permitted is occupied, the proposed windows (including rooflights indicated as obscured glazed on the hereby approve drawings) to both side elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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. 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.

12. 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.

13. 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.

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

15. 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.

16. Part 1

Before development commences other than for investigative work:

- (i) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a

- diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
- (ii) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
 - a. a risk assessment to be undertaken,
 - b. refinement of the Conceptual Model, and
 - c. the development of a Method Statement detailing the remediation requirements.
 - (iii) The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.
 - (vi) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

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

Reason:

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

- 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. A noise assessment, by an approved acoustic consultant, shall be carried out in accordance with Planning Policy Guidance Notes 24 on the development that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason:

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

19. Before development commences, details of the passing places, access ramp gradient leading to the basement car parking area, car park layout, and the car ramp warning (signal control) system, including maintenance contract details, together with headroom clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Policies M11 and M13 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

20. Before any works start on site, a Demolition and Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. This document following approval must be complied with unless previously agreed in writing by the Local Planning Authority.

Reason:

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

21. Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed in writing by the Local Planning Authority

Reason:

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

22. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with drawing Nos. 11/3240/1A and 11/3240/2A submitted with the above application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

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

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows:
 - i) The proposed development accords with strategic planning guidance and policies as set out in The 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, GEnergy, GBEEnv1, GBEEnv2, GParking, GNonCar, ENV2, ENV13, ENV14, D1, D2, D3, D4, D5, D6, D11, M1, M2, M4, M5, M6, M7, M10, M11, M12, M13, M14, H1, H5, H16, H17, H18, H20, H21, IMP1 and IMP2.

Core Strategy (Publication Stage) 2010: CS4, CS5, DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17.

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

The proposal would ensure the protection and enhancement of the character and appearance of Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the council's sustainable objectives. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

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

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

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

Further details and the application form can be downloaded from:

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

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

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

3. In complying with the contaminated land condition parts 1 and 2:

Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

4. 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.

5. The crossovers must be between 2.4 and 4.8 metres in width. Any alteration to the existing crossover or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, any street furniture, lighting column or parking bays affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment, Planning and Regeneration Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities

during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

RECOMMENDATION III

That if an agreement has not been completed by 16/03/2011, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/03239/11 under delegated powers for the following reason/s:

1. The proposed development does not include a formal undertaking to meet the costs of extra education places and community benefit arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Document - Contributions to Education from Development February 2008, Policy CS8 of the Adopted Unitary Development Plan (2006) and Government Planning Policy Statement PPS1.
2. The proposed development does not include a formal undertaking to meet the costs of extra libraries and related cultural/learning facilities arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Contributions to Library Services and Policy CS2, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
3. The proposed development does not include a formal undertaking to meet the costs of extra health facilities arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Contributions to Health Services and Policy CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
4. The proposed development does not include a formal undertaking to meet the monitoring of planning obligations as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Planning Obligations (2006) and Policies IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
5. No undertaking has been given by the developer to address possible contributions levels of affordable housing to be provided off site, contrary to policy H5 of the Barnet Adopted Unitary Development Plan (2006) and Adopted Supplementary Planning Document on Affordable Housing (2007).

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements: PPS1, PPS3, PPG24

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan: July 2011

Strategic Planning Policies, in particular 3.4, 3A.13, 3A.18, 3C.17, 3C.23, 4A.3, 4B.1, 5B.2, 5B.3

Relevant Unitary Development Plan Policies: GSD, GEnergy, GBEnv1, GBEnv2, GParking, GNonCar, ENV2, ENV13, ENV14, D1, D2, D3, D4, D5, D6, D11, M1, M2, M4, M5, M6, M7, M10, M11, M12, M13, M14, H1, H5, H16, H17, H18, H20, H21, IMP1 and IMP2.

Supplementary Planning Guidance/Documents:

Sustainable Design and Construction (2007)
Contributions to Education (2008)
Contributions to Libraries (2008)
Contributions towards Health (2009)
Planning Obligations for S106 Agreements (2007)
Affordable Housing (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: CS4, CS5, DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17.

Relevant Planning History:

Application:	Planning	Number:	C/16699/06
Validated:	01/06/2006	Type:	APO
Status:	APS	Date:	20/07/2006
Summary:		Case Officer:	Fabien Gaudin
Description:	Demolition of Existing Buildings and Erection of New Buildings to Provide 9 Self Contained Flats. New Vehicular Access and Provision of Parking Spaces to Rear (OUTLINE)		

Application:	Planning	Number:	C/16699/A/07
Validated:	27/03/2007	Type:	APO
Status:	APD	Date:	06/06/2007
Summary:	Approved	Case Officer:	Fabien Gaudin

Description: Demolition of existing buildings and erection of a two storey building, and roof space to provide 9 No. self contained flats. New vehicular access and provision of 12 No. parking spaces in basement. (OUTLINE APPLICATION)

Application:	Planning	Number:	F/00745/08
Validated:	04/04/2008	Type:	APF
Status:	WDN	Date:	30/05/2008
Summary:	Withdrawn	Case Officer:	Fabien Gaudin
Description:	Demolition of existing buildings and erection of new building comprising of 9 self-contained flats including underground parking.		

Application:	Planning	Number:	F/02616/08
Validated:	05/08/2008	Type:	APF
Status:	APD	Date:	24/04/2009
Summary:	Appeal Dismissed	Case Officer:	Fabien Gaudin
Description:	Demolition of existing building and erection of two storey building with accommodation in the roofspace and basement car-parking, comprising of 9 self-contained flats.		

Application:	Planning	Number:	F/03651/09
Validated:	19/10/2009	Type:	Full Application
Status:	Approved	Date:	19/04/2010
Summary:			
Description:	Demolition of existing buildings and erection of two/three storey building with accommodation in the roof to provide ten self-contained flats and basement parking and four car parking spaces at front of site.		

Consultations and Views Expressed:

Neighbours Consulted:	137	Replies:	14
Neighbours Wishing To Speak	2		

The objections raised may be summarised as follows:

1. impact on parking and congestion
2. objection to front balconies (this was received prior to the scheme being amended – there are no front balconies now proposed)
 - increased strain on services
 - inaccurate drawings
 - objection to footprint
 - character, scale and appearance
 - loss of amenity including privacy
 - overdevelopment and loss of habitat
 - number of flats
 - loss of trees
 - impact on streams

It should be noted that a number of residents objecting have commended that the appearance of the building was an improvement.

Internal /Other Consultations:

Traffic & Development – no objection
Environmental Health – no objection
Housing Development Team – no response
London Underground - Infrastructure Protection – no objection

Date of Site Notice: 18 August 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a large pair of semi-detached houses (one in single family use and the other in use as three self-contained flats) on the eastern side of Nether Street close to its junction with Hillcourt Avenue. The area is characterised by a mixtures of flatted developments, houses in single-family occupancy and houses converted into flats.

Relevant Planning History and Proposals:

Outline application C16699A/07 for “Demolition of existing buildings and erection of a two storey building, and roof space to provide 9 No. self contained flats. New vehicular access and provision of 12 No. parking spaces in basement” was allowed at appeal in 2007.

This permission established the acceptability of a flatted development on site. Planning application F/02616/08 for “Demolition of existing building and erection of two storey building with accommodation in the roofspace and basement car-parking, comprising of 9 self-contained flats” was refused in 2008 on the grounds that the proposed development did not include a formal undertaking to meet the costs of extra education and library places arising as a result of the development. The refusal was appealed and dismissed at appeal on the grounds that the design of the proposal would prove visually harmful.

In 2010, planning permission F/03651/09 was granted for the demolition of the existing building and the erection of two/three storey building with accommodation in the roof to provide ten self-contained flats and basement parking and four car parking spaces at front of site.

Proposal:

The current application seeks permission for the demolition of the existing dwellings and construction of a three storey detached building with rooms in roofspace and basement car-parking to provide 14 self-contained flats.

Planning Considerations:

The main material considerations are as follows:

- design and appearance / amenity
- affordable housing
- sustainability
- section 106 planning obligation requirements
- highways

The main differences between the 2010 approval and current application are changes to the design of the building and the number/types of flats provided.

Document PPS3 on Housing sets out the Government’s strategic housing policy objectives of creating sustainable, inclusive, mixed communities. In terms of

developing housing density policies, paragraph 46 states that Local Authorities should have regard to the level of housing demand and need in their area, current and future level and capacity of infrastructure, services and facilities, desirability of using land efficiently, current and future levels of accessibility particularly public transport accessibility, the characteristics of the area, and the desirability of achieving high quality, well-designed housing.

Paragraph 50 highlights that “the density of existing development should not dictate that of new housing. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment”. It states that good design is fundamental to using land efficiently and that good design is facilitated by identifying the distinctive features that define the character of a particular local area. High quality inclusive design is also a key objective of PPS1. Other guidance on delivering high quality design includes the 2000 DETR/CABE publication ‘By Design: Urban Design in the Planning System: Towards Better Practice’.

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. The chief objective of Planning Policy Statement 3: Housing (PPS3) is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The site is a previously developed site and on this basis the redevelopment of the site for residential purposes is considered to accord with national, strategic and local planning policy.

PPS3 advocates that local planning authorities should avoid developments which make inefficient use of land. It is considered that the proposal would represent an efficient use of previously developed land in accordance with national legislation, the London Plan and policy H21 of the adopted UDP.

The immediate surroundings are characterised by different types of residential accommodation and the addition of further residential accommodation would not be out of character. The redevelopment would meet the objectives of the Council’s Three Strands Approach which seeks to preserve the character and openness of lower density suburbs since the proposed flats would respect the scale and density of surrounding development.

The principle of redevelopment of the site for a similar density of development the siting/access/bulk of the building has been established and approved as part of the previous planning permissions and the original outline application.

The (extant) 2010 permission was for larger flats broken into 7 three-bedroom flats and 3 two-bedroom flats totalling 30 bedrooms.

The current application seeks permission for 14 two-bedroom flats totalling 28 bedrooms. The London Plan states that development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. The proposed density of 58 habitable rooms per hectare complies with the London Plan density matrix and is similar to the density in the extant permission. It is therefore considered that the change in the number and type of flats complies with policy and would not warrant refusal for the application (when taking into account the extant permission and planning history of the site).

Design and appearance / amenity

The immediate surroundings are characterised by different types of residential accommodation and the addition of further residential accommodation in the form of flats would not be out of character.

PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. This is reinforced by Policies D1, D2, D3, D4 and H16 of the Adopted UDP (2006) which advocate that the design and layout of proposals 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 D2 states that the council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street patterns and the overall character and quality of the area.

The proposed bulk, siting, scale and general proportions of the building broadly compare with the previously approved schemes. Whilst the overall footprint is larger than the extant permission particularly at the front of the site, it is comparable to the footprint in the outline permission and as such is not considered objectionable.

As previously, the chosen design would replicate elements found on surrounding buildings. The proposed eaves levels match those of neighbouring buildings taking into account the natural slope of the land in this part of Nether Street. The general envelope of the building is not significantly different from the extant permission.

The overall design of the building is considered to be an improvement on the extant permission. The front elevation is now articulated around two front gables which is a feature found on some neighbouring houses. The fenestration has been changed, a porch and chimneys have been added and it is considered that the resulting façade has greater architectural merits than the extant permission.

The rear elevation has also been amended with the main changes consisting of changing the shape of the roof, altering the fenestration and incorporating the previously approved balconies within the building. All those changes are considered an improvement on the extant permission.

Policies D5 and H16 seek to ensure that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to these issues. Overall, it is considered that the increased activity on site would be acceptable subject to compliance with the recommended conditions. Policy H17 sets the council's overlooking standards which are met throughout the development.

The rear garden would be used as a communal area for all the flats and would provide acceptable standards of amenity. As explained above, additional private space is provided in the form of rear balconies. Although balconies may not always be acceptable, it is considered that in this particular instance, due to the position of

surrounding building, the provision of additional private space in the form of balconies is acceptable. The previously approved balconies were projecting out the building with privacy screens. The amended balconies within the building are considered an improvement.

None of the trees on site are protected. The applicant has shown that both trees to the front would be retained. It is considered that matters in relation to the retention of trees, protective fencing and landscaping of the site can be conditioned.

Affordable Housing

Policy H5 of the Adopted UDP (2006) states that having regard to the council's target that half of housing provision over the UDP period should be affordable, the council will seek to negotiate the maximum reasonable amount of affordable housing on sites of 10 or more units gross, or 0.4 hectares or more, and to ensure that these unit will continue to be affordable for successive occupiers.

The council also has an adopted Supplementary Planning Document (SPD) on Affordable Housing which supplements the policies and proposals of the London Borough of Barnet's Unitary Development Plan (UDP), adopted in 2006, and the Mayor of London's London Plan (2004).

The applicant has submitted a viability report and supporting information which has been carefully reviewed by the Council's Property Services. Valuation officers agree with the applicant's conclusion that the provision of affordable housing on or off site would make the development unviable. As a result, it is considered that in view of the number of residential units, the non provision of affordable housing is currently justified in view of the economic circumstances and does not warrant refusal of the application.

If however, economic circumstances change following completion of the development, it is considered that the council should secure a mechanism consisting of the inclusion of a review process to ensure that any additional benefit which may arise from the sale of the flats will be 'clawed back' to provide a contribution to off site affordable housing in the future. This is secured under the proposed terms of the legal agreement.

Sustainability:

The sustainable Design and Construction SPD states that proposals for such developments need to demonstrate compliance with both the broader sustainable design principles and the specified environmental minimum requirements. Where an applicant considers that certain minimum requirements are not viable or deliverable, they will be expected to demonstrate this through design and feasibility studies.

The Council expects that proposals for such developments show how they fully embrace the principles, guidance and minimum requirements set out in the SPD. Any aspect of a proposal which does not fully comply with what is set out in this SPD will need to be fully explained and justified through appropriate feasibility studies.

Sustainable development is a key priority of Central Government and the council. The council's adopted Supplementary Planning Document on Sustainable Design and Construction requires all Major and Large Scale Developments to deliver either:

- a minimum of 20% reduction in carbon emissions from total energy needs

(heat, cooling and power (including power consumption through occupation)) of the development through on-site generation of renewable energy, together with a commitment to build to Code Level 3 performance against the Code for Sustainable Homes.

- a commitment to build to Code Level 4 performance against the Code for Sustainable Homes

Although the applicant has provided only limited information to show how the development would meet sustainability objectives, they have committed to built to Code 4 level.

The Environmental Health department have no objections (subject to conditions) in relation to the noise and air assessment submitted (and subsequently revised) by the applicant.

They have previously advised that the contaminated land condition is required because there will be residential gardens, the site is being fully demolished, there will be creation of a basement, and the site is near railway lines.

Defra have predicted that the site will experience noise levels between 50-59.9dB(A) at night alone. A PPG24 report is therefore required to properly assess the noise levels at the site and establish appropriate noise mitigation measures to ensure that internal noise levels within liveable rooms meet our requirements of max. 35dB(A) in the day and 30dB(A) at night.

Highways:

The proposal is for a demolition of the existing dwellings comprising one house and 4 flats and to construct a residential development comprising of 14 x 2 bedroom flats. A total of 17 parking spaces are proposed. 14 parking spaces are being provided in the basement and 3 parking spaces are being provided at ground floor level. 14 cycle parking spaces are proposed.

The parking standards set out in the UDP 2006 recommend parking provision of 1.5 to 1 parking spaces for 2/3 bedroom units. This equates to 14 to 21 parking spaces for the proposed development to meet the parking standards. The parking provision is in accordance with the parking standards as set out in the UDP 2006.

The ramp gradient for the vehicular access into the basement should be 1:10 or in accordance with the Design recommendations by the Institute of Structural Engineers for Multi storey and Underground Car Parks 3rd Edition. A traffic signal system is proposed to control the access to the basement car park.

Highways officers have no objection subject to the inclusion of conditions and informatives.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. SECTION 106 ISSUES

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.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

The proposal would result in an increased child yield from the site. Council policy advocates that a financial contribution will be sought, via a legal agreement to meet the extra additional costs that will result from this proposal. The contribution of £14,819 sought is consistent with the formula contained within the Council's Supplementary Planning Document – Contributions to Education (2008).

The increase in population resulting from development is expected to place pressure on Barnet's health services. As a result contributions are sought to ensure that service provision mitigates the impact of the proposed property development activity. The contribution of £10,090 sought is consistent with the formula contained within the Council's Supplementary Planning Document – Contributions to health services (2009).

The increase in population resulting from development is expected to place pressure on Barnet's libraries. As a result contributions are sought to ensure that service provision mitigates the impact of the proposed property development activity. The contribution of £1,146 sought is consistent with the formula contained within the Council's Supplementary Planning Document – Contributions to library services (2008).

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation of £1,302.75 towards the costs of undertaking the work relating to securing the planning obligations.

Affordable housing has been discussed above.

6. CONCLUSION

The proposal would ensure the protection and enhancement of the character and appearance of Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the council's sustainable objectives. **APPROVAL** is recommended.

SITE LOCATION PLAN: 114-116 Nether Street, London, N12 8EU

REFERENCE: F/03239/11



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