

**PLANNING & ENVIRONMENT COMMITTEE – 20 October 2010**

**REPORT OF THE FINCHLEY & GOLDERS GREEN  
AREA PLANNING SUB-COMMITTEE**

**12 October 2010**

SUB-COMMITTEE:

\*Councillor Eva Greenspan BA, LLB(Hons) (Chairman)  
\*Councillor John Marshall (Vice-Chairman)

Councillors:

Jack Cohen	*Alan Schneiderman
*Melvin Cohen LLB	*Jim Tierney
*Andrew McNeil (substituting for Cllr Colin Rogers)	*Monroe Palmer OBE, BA, FCA (substituting for Cllr Jack Cohen)
Colin Rogers	

\*denotes Member present

**1. 47 HOLDEN ROAD, LONDON, N12 7EJ – F/03632/10 (WEST FINCHLEY  
WARD) (Report of the Assistant Director of Planning and Development  
Management – Agenda Item 7)**

The Sub-Committee considered the attached report and Addendum of the Assistant Director of Planning and Development Management. The Chairman referred the Sub-Committee's recommendations to the Planning and Environment Committee in accordance with paragraph 5.2 of Part 4, Section 2 of the Council's Constitution.

RECOMMENDATION –

**REFUSE** the application (reversal of Officer's recommendation) for the following reason:

1. The proposed development by reason of its overdevelopment would result in additional comings and goings being detrimental to the free flow of highway contrary to policies M11 and M12 of the Adopted Unitary Development Plan (2006)

No undertaking has been provided by the developer to meet the identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006) and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

In accordance with Paragraph 22.1, Section 1 Part 4 of the Council's Constitution, Councillors Eva Greenspan, Councillor John Marshall and Councillor Melvin Cohen requested that their votes against the recommendation be recorded.

**LOCATION:** 47 Holden Road, London, N12 7EJ

**REFERENCE:** F/03632/10

**Received:** 13 September 2010

**WARD(S):** West Finchley

**Accepted:** 13 September 2010

**Expiry:** 08 November 2010

**Final Revisions:**

**APPLICANT:** Insignia (trading as ihomes London Ltd)

**PROPOSAL:** Demolition of existing dwelling and erection of a 3 storey building including rooms in roofspace to create 9 no. residential units. Associated amenities, ancillary parking, new access road and alterations to landscape.

**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) £8,146.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,007.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £7,876.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £851.45**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

## RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/03632/10 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; BGC1/47 HOLDEN ROAD/TCP Rev 0; DAT/9.0; Noise Report - August 2007; 1010: P: 100 Rev A; 1010: P: 101 Rev B; 1010: P: 102 Rev B; 1010: P: 103 Rev B; 1010: P: 104 Rev B; 1010: P: 105 Rev A.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

## Part 1

Before development commences other than for investigative work:

- 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.-
- a. 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:-
  - b. a risk assessment to be undertaken,
    - refinement of the Conceptual Model, and
    - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- 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.

- 6 In the event that a plant or biomass boiler is installed within the development, the level of noise emitted from this machinery 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 In the event that a plant or biomass boiler is installed within the development, before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

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

Reason:

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

- 8 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.

- 9 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.

- 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 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.

- 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 Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the LPA. This scheme shall include acoustic ventilators in windows to ventilate the rooms without being opened or air conditioning with suitable filters. Acoustic ventilators shall be installed in the windows of the elevations facing Holders Hill Road. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

- 17 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.



- 18 Notwithstanding the details submitted and otherwise hereby approved development (use class C3) hereby approved shall be constructed to meet the 'Lifetime Homes' standard (July 2010 version), unless previously agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development is accessible for all members of the community.

- 19 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the drawing no. 1010: P: 105 Rev A submitted with the planning application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 20 A Construction Management Plan must be submitted to and approved 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.

#### **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): GBEnv1, GBEnv2, GBEnv3, GParking, D1, D2, D3, D5, D6, D11, M6, M14, H5, H16, H17, H18, H21, CS2, CS8, CS13, IMP2.

ii) The proposal is acceptable for the following reason(s): -  
Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring dwellings.

2 Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Department of Communities and Local Government website at [www.communities.gov.uk](http://www.communities.gov.uk).

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via email: [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

4 Any alteration to the existing crossover provision of a new crossovers or reinstatement of existing crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Crossover Team in Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

- 5 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.

- 6 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.

- 7 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint –

setting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

- 8 In case if any modification is proposed to the existing access of the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. The access would 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 Crossover Team, Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 9 If the development is carried out it will be necessary for the existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 10 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 08/11/2010, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/03632/10 under delegated powers for the following reasons:

The development would require a Section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to Policy 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".

#### **1. MATERIAL CONSIDERATIONS**

##### National Planning Policy Guidance/ Statements:

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

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

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

The implications of new development on transport are included within PPG13 "Transport" (2001). Paragraph 49 relates to car parking and in para. 52 it is stated that maximum

parking standards should be designed to be used as part of a package of measures to promote sustainable transport choices.

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

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

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

#### Relevant Unitary Development Plan Policies:

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.

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

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

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

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

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

Relevant Planning History:

47 Holden Road, London, N12 7EJ

<b>Application:</b>	Planning	<b>Number:</b>	C/08700/A/07
<b>Validated:</b>	09/07/2007	<b>Type:</b>	APO
<b>Status:</b>	DEC	<b>Date:</b>	26/10/2007
<b>Summary:</b>	REF	<b>Case Officer:</b>	Karina Sissman
<b>Description:</b>	Redevelopment of site to form 8no. self-contained flats. (OUTLINE APPLICATION)		

Refused at the Finchley and Golders Green Area Planning Sub-Committee (October 2007) for the following reason:

*The proposed access and agdress close to the bend in the road is likely to be of detriment to the free flow of traffic, public safety and the amenity of neighbouring occupiers contrary to policies M11 and M12 of the Adopted Unitary Development Plan (2006).*

47 Holden Road, London, N12 7EJ

<b>Application:</b>	Planning	<b>Number:</b>	C/08700/B/08
<b>Validated:</b>	22/01/2008	<b>Type:</b>	APO
<b>Status:</b>	DEC	<b>Date:</b>	12/03/2008
<b>Summary:</b>	REF	<b>Case Officer:</b>	Karina Sissman
<b>Description:</b>	Redevelopment of site to form 8no. self-contained flats. (OUTLINE APPLICATION)		

Refused at the Finchley and Golders Green Area Planning Sub-Committee (March 2008) for the following reason:

*The proposed access and agdress close to the bend in the road is likely to be of detriment to the free flow of traffic, public safety and the amenity of neighbouring occupiers contrary to policies M11 and M12 of the Adopted Unitary Development Plan (2006).*

47 Holden Road, London, N12 7EJ

<b>Application:</b>	Planning	<b>Number:</b>	F/02383/08
<b>Validated:</b>	09/07/2008	<b>Type:</b>	APO
<b>Status:</b>	APD	<b>Date:</b>	26/05/2009
<b>Summary:</b>	APC	<b>Case Officer:</b>	Claire Thorley
<b>Description:</b>	Demolition of existing house and construction of a new block of 8		

flats (outline application).

Refused at the Finchley and Golders Green Area Planning Sub-Committee (August 2008) for the following reason:

*The proposed access and egress close to the bend in the road is likely to be of detriment to the free flow of traffic, public safety and the amenity of neighbouring occupiers contrary to policies M11 and M12 of the Adopted Unitary Development Plan (2006))*

This decision was overturned and the application was allowed by The Planning Inspectorate under Appeal Reference number (APP/N5090/A/09/2096930/NWF).

41 Holden Road, London, N12 8HS

<b>Application:</b>	Planning	<b>Number:</b>	F/00372/09
<b>Validated:</b>	09/02/2009	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	03/04/2009
<b>Summary:</b>	APC	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Conversion of existing family dwelling house into 7 self-contained flats (1x studio, 3x1 bed flats, 2x2 bed flats, 1x3 bed flat) Alterations and extensions involving creation of basement accommodation including lightwells at rear and sides. Conversion of and alterations to roofspace and ground floor and first floor rear extension. Provision of 6 car and 8 cycle parking spaces and rear amenity space.		

47 Holden Road, London, N12 7EJ

<b>Application:</b>	Planning	<b>Number:</b>	F/02833/10
<b>Validated:</b>	19/07/2010	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	02/09/2010
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Junior Moka
<b>Description:</b>	Demolition of existing dwelling and erection of a 3 storey building including rooms in roofspace to create 9no residential units. Associated amenities, ancillary parking, new access road ad alterations to landscape.		

41 Holden Road, London, N12 8HS

<b>Application:</b>	Planning	<b>Number:</b>	F/02586/10
<b>Validated:</b>	28/06/2010	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	01/09/2010
<b>Summary:</b>	APC	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing dwelling and erection of a 2 storey building, with basement and rooms in roofspace, to accommodate 7 self-contained flats. Provision of 6 car and 8 cycle spaces and rear amenity space.		

#### Consultations and Views Expressed:

Neighbours Consulted:	98	Replies:	3
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:



- c. Oppose the building of the flats - this part of Holden Road already find it dangerous to reverse into our car park;
1. Loss of limited sunlight;
  2. Loss of outlook;
  3. Out of character.
  4. Speed of vehicles entering the area combined with the extra traffic due to the new proposed development will increase the potential for accidents between vehicles/pedestrians.
  5. Increased traffic congestion.
  6. Safety concerns.
  7. Traffic flow will be impeded thereby causing delays.

The last withdrawn application received 9 objections so any other objections received further to this report will be reported to the committee.

#### Internal /Other Consultations:

##### Traffic & Development

No objections on highways grounds subject to comments, conditions and informatives.

Date of Site Notice: 05 August 2010

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The existing site is located between land owned by London Underground as part of the northern line which runs adjacent to the site, and Tudor Lodge, a three-storey building containing flats, which extends to the junction with Westbury Road.

The land slopes down from the application site to Tudor Lodge and the junction with Westbury Road. Additionally, a steep embankment is located adjacent to the existing dwellinghouse rising up to the underground line which crosses Holden Road adjacent to the application site on a bridge.

To the rear of the site is Springfield Close, a development of a number of flats accessed from Westbury Road and the parking area associated with this development abuts the rear boundary of the application site.

There is a large Cyprus tree in the rear garden of the site which has recently been issued with a Tree Preservation Order. (TPO/CA/381)

#### Proposal:

The proposal relates to the demolition of the existing dwelling and erection of a 3 storey building including rooms in roofspace to create 9 no. residential units. Associated amenities, ancillary parking, new access road and alterations to landscape.

The proposed development will include 2 one-bedroom flats and 7 two-bedroom flats, increasing by an additional unit from the appeal decision (total of 8 flats - 5 one-bedroom flats and 3 two-bedroom flats).

An outline planning permission was allowed by The Planning Inspectorate under Appeal Reference number (APP/N5090/A/09/2096930/NWF) for the demolition of the existing house and construction of a new block of 8 flats.

#### Planning Considerations:

The immediate surroundings are characterised by purpose-built flats and houses converted into residential units as well as properties in single family occupancy. The proposal would result in the re-use of a brownfield site and as such a flatted development is considered acceptable in this location. The proposed density is in line with policy H21. The current application is for two 1-bed flats and seven 2-beds flats. Surrounding sites have or are being re-developed for higher densities. The design and built form in relation to the size of the plot on previous applications was not considered to be a result for refusal considering surrounding sites for similar schemes.

The main issues are considered to be:

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

#### Proposed siting, character and appearance:

The proposed footprint would respect the character and pattern of buildings in this part of Holden Road and allow for sufficient gaps in between the site and surrounding buildings. 9 parking spaces are proposed, of which all will be accessed through an undercroft accessed along the boundary by the trainline.

The proposed front building line aligns with the previously consented scheme. There has been an increase to the footprint of that of the consented scheme, but it is still considered that the proposed footprint would relate well to surrounding development. Overall, it is considered that the size, height, mass and appearance of the building would be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

The proposal like the previous approval would have a minimal impact on the residential amenity of neighbouring occupiers. The proposal as amended is considered to result in a proposed bulk and siting of the building that would not detrimentally impact on the amenity of neighbouring occupiers or result in a significant loss of light to surrounding habitable

room windows.

The proposed design replicates elements from the neighbouring block at Tudor Lodge and as such respects the general proportions of the surrounding urban fabric.

Amenity of existing/future occupiers:

All units would provide adequate internal space and therefore comply with policies H16 and H26. The stacking of flats/rooms is generally acceptable.

The proposed development also provides sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The current scheme proposes a communal garden to the rear and additional private space in the form of balconies and terraces which is in line with policy. The communal garden would provide an acceptable quality of outdoor amenity space. Details of landscaping are required by condition.

The proposed intensification of use from a single dwelling to nine is not expected to result in a detrimental loss of amenity for occupiers of this part of Holden Road or future occupiers of the adjacent flatted development to be built.

Parking, Access and Vehicle Movements:

The proposal is for the demolition of the existing Dwelling and erection of a new building to provide 9no. flats comprising 7 x 2-bedroom and 2 x 1-bedroom flats. A total of 9 off street car parking spaces are provided at the rear of the site.

The parking provision is in accordance with the Parking Standards set out in the Unitary Development Plan 2006.

The proposed access arrangement previously approved by a planning inspector at an appeal is still narrow and would only allow one way traffic which will need to be managed. There is also a concern over the pedestrian safety could as it could be affected due to the shared use of the access by pedestrians, cyclists and vehicles into the development.

The proposal is acceptable on highways ground subject to conditions considering the previous planning inspector's decision.

Education needs generated by the development:

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

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

To accord with UDP Policy CS8 and the SPD the proposed scheme of 9 residential units (2 one-bedroom flats and 7 two-bedroom flats) would require a contribution of £8,146 and a monitoring fee of 5%.

#### Contributions to library services:

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

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

To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £1,007 and a monitoring fee of 5%.

#### Contributions to Health facilities:

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

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

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

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

To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £7,876 and a monitoring fee of 5%.

The education, library services & health facilities contributions are to be secured by Section 106.

As there have been no changes in the local plan or government policy since the approval no objections are raised to this proposal. The principle of this development was considered acceptable under the previous application approved by the planning inspector.

### **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 considering the principle of this development was considered acceptable under the previous application. The points made within the objection have been covered in the appraisal above.

### **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 does comply with the requirements of PPS1, especially paragraph 34 which states in part that, 'design which is inappropriate in its context, or which fails to take the opportunities available for improving character and quality of an area and the way it functions, should not be accepted'.

When the Local Planning Authority approve planning applications there may be cases where there is some element of a loss of light to neighbouring properties. It is for the Local Planning Authority to determine whether the loss of light that could occur would be sufficient a reason to refuse the application.

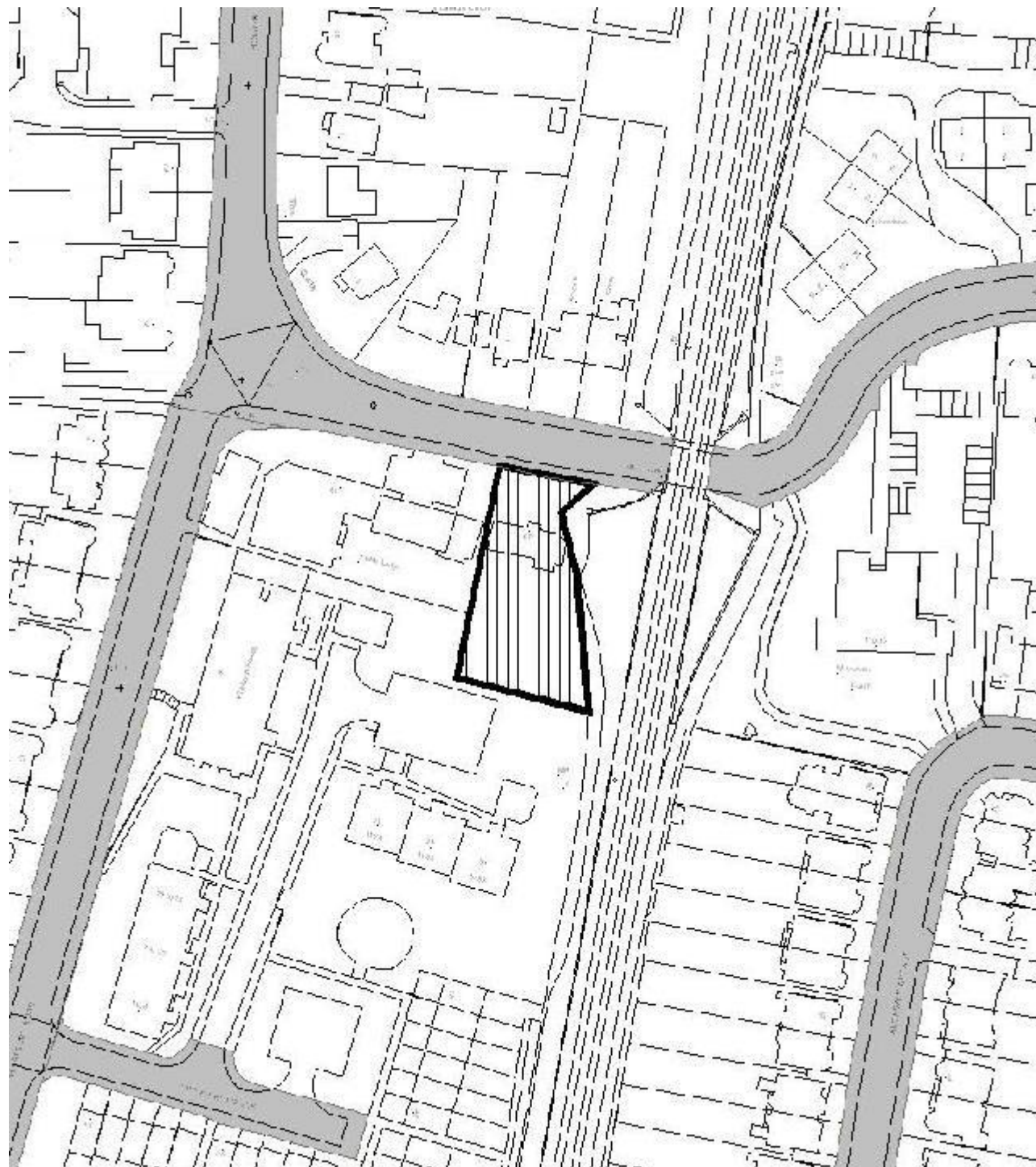
The Local Planning Authority considered the previous application to have an acceptable impact on the amenities of the neighbouring occupiers. The Local Planning Authority have considered this current scheme and also consider this impact on neighbours to be acceptable.

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

It is therefore recommended that the application be **APPROVED**.

**SITE LOCATION PLAN:** 47 Holden Road, London, N12 7EJ

**REFERENCE:** F/03632/10



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# ADDENDUM

## FINCHLEY AND GOLDERS GREEN AREA PLANNING SUB-COMMITTEE

12 October 2010

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### 47 Holden Road – Page 71

Since writing the report, five additional objection letters have been received. The objections raised may be summarised as follows:

- Oppose the building of the flats - this part of Holden Road already find it dangerous to reverse into our car park;
- Loss of limited sunlight;
- Loss of outlook and privacy;
- Out of character – appearance, height of the building, and size and bulk (footprint and building line);
- Speed of vehicles entering the area combined with the extra traffic due to the new proposed development will increase the potential for accidents between vehicles/pedestrians;
- Increased traffic congestion;
- Traffic safety;
- Safety concerns;
- Traffic flow will be impeded thereby causing delays;
- Inadequate amenity space provided;
- Principle of the demolition of a perfectly good house is not supported;
- Contravention of the urban design principles.

Many of the objections raised are considered to reinforce the objections already submitted and summarised in the committee report.

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal considering the principle of this development was considered acceptable under the previous application. The points made within the objection have been covered in the appraisal above.



# Appeal Decision

Site visit made on 28 April 2009

by **Geoffrey Hill** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**26 May 2009**

## Appeal Ref: APP/N5090/A/09/2096930 47 Holden Road, London N12 7EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr D Mahoney against the decision of the Council of the London Borough of Barnet.
- The application Ref F/2383/08, dated 1 June 2008, was refused by notice dated 26 August 2008.
- The development proposed is the demolition of existing house and construction of new block of 8 No. flats.

### Preliminary matters

1. The appeal is in respect of an application for outline planning permission where approval of appearance and landscaping are reserved for later consideration.

### Decision

2. I allow the appeal, and grant planning permission for the demolition of existing house and construction of new block of 8 No. flats at 47 Holden Road, London N12 7EJ in accordance with the terms of the application, Ref F/2383/08, dated 1 June 2008, and the plans submitted with it, subject to the conditions set out in the annex at the end of this decision.

### Main issue

3. The main issue in this appeal is the effect on the safety of road users and pedestrians on Holden Road.

### Reasons

4. The appeal site is close to the bend in Holden Road where it passes beneath a railway bridge, carrying the Northern Line. A survey of passing traffic has been carried out on behalf of the appellants. The survey shows that almost all vehicles travel below the permitted road speed of 30 mph, with the 85<sup>th</sup> percentile speed of 25 - 26 mph. None of this evidence is challenged or rebutted by the Council.
5. Guidance is given on acceptable visibility standards to ensure safety of other road users in *Manual for Streets*.<sup>1</sup> Here the advice is that for an access point

<sup>1</sup> *Manual For Streets*; Welsh Assembly Government, Communities and Local Government and Department for Transport – 2007.



such as being proposed in this scheme, with traffic passing at the surveyed speeds there should be clear visibility in both directions of 33 m at a point 2.4 m back from the edge of the carriageway. At my site visit I saw that this guidance could be met, and indeed exceeded, in both directions. There is unobstructed visibility to the left to the junction with Westbury Road, and it is possible to see some 75-80 m to the right through and beyond the railway bridge.

6. I also saw that there is a footway on only one side of Holden Road as it passes underneath the railway bridge. However, this is not an unusual arrangement and is one which can be perfectly safe for pedestrians if used properly.
7. No evidence has been presented in this appeal to show that there has been a history of reported accidents involving vehicles or pedestrians in the vicinity of the appeal site. Having regard to the amount of additional vehicular and pedestrian traffic likely to be generated by the appeal scheme, and noting that visibility at the exit point meets and exceeds current guidance, I consider that the proposed development would not jeopardise conditions of highway safety for road users and pedestrians on Holden Road. That is, the objectives underlying policies M11 and M12 of the London Borough of Barnet Unitary Development Plan (UDP) would be met.
8. I note that schemes for generally similar development on this site have been previously dismissed, including one at appeal. However, there are significant differences between this proposal and the previous appeal scheme; firstly the inclusion of separate entry and exit points, and secondly the availability of survey evidence on the number and speed of vehicles passing the site.

### **Other matters**

9. It was not given as one of the reasons for refusal, but in the appeal submissions the Council raised the expectation that the developer should contribute towards education and library provision in the Borough. This would be in accordance with UDP Policies CS2 and CS8. The appellant has accepted that contributions would be relevant and has submitted a planning obligation made under Section 106 of the Town and Country Planning Act 1990 to that effect.

### **Conditions**

10. The Council has put forward a number of suggested conditions which could be attached to a planning permission in the event of the appeal being allowed. I agree that conditions are necessary to ensure the timely submission of details for the reserved matters and their subsequent implementation, including the protection of existing and any new planting. Such details should include boundary treatments, enclosures for ancillary features such as bin stores and cycle storage, and site and slab levels to ensure the scheme fits in with the character and appearance of the area. The design and layout of the entry and exit points to the site, including any gates or other means of enclosure, should be specifically considered to ensure highway safety.
11. In view of the proximity of the site to the railway line, to ensure a satisfactory standard of living conditions for the occupants of the flats there should be an agreed scheme of noise insulation, and that the flats should be built to a high

specification for sustainable development. Finally, in the interests of safeguarding the amenities of local residents, the visual amenity of the area and the safety of users of the highway, a scheme for management of the site during the demolition and construction phases should be drawn up and adhered to.

*Geoffrey Hill*

INSPECTOR

**CONDITIONS ATTACHED TO THE PLANNING PERMISSION**

1. Details of the appearance of the buildings and the landscaping of the site (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.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. Before the development hereby permitted is occupied, details of all boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved details.
5. Before the development hereby permitted is commenced, details of the levels of the buildings, parking area, driveway and footpaths in relation to adjoining land and the highway 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 the approved details.
6. Notwithstanding the information shown on drawing number 3553\_01 rev. F, before the development hereby permitted commences, details of the layout and design of the entry and exit points, including traffic management details and any gates or other means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The entry and exit points shall be constructed in accordance with the approved details before the flats are occupied and retained as such thereafter.
7. Notwithstanding the information shown on drawing number 3553\_01 rev. F, 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, and bicycle storage facilities, shall be submitted to and approved in writing by the Local Planning Authority and these facilities shall be provided in accordance with the approved details before the flats are occupied.
8. Before development commences, including the demolition of the present building, a survey of all existing trees and shrubs on the site shall be submitted to the Local Planning Authority, indicating which trees and shrubs are to be retained and detailing the methods to be used for their protection during the course of works of demolition and construction. The details shall be approved in writing before works on site commence and the development shall be carried out in accordance with the agreed scheme.

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.
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, as agreed in writing by the Local Planning Authority.
11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for protecting the occupiers of the flats from noise from trains passing along the adjoining railway. The approved scheme shall be completed before the flats are occupied, and retained as such thereafter.
13. Development shall not commence until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes, and an accompanying interim certificate stating that the flats have been designed to achieve at least Level 3 of the Code, has been submitted to and approved in writing by the Local Planning Authority. The flats shall not be occupied until a final Code certificate of compliance has been issued.
14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
  - i access to the site;
  - ii the parking of vehicles for site operatives and visitors;
  - iii hours of operations, to include deliveries and loading and unloading of plant and materials and the maintenance of on-site plant and machinery;
  - iv storage of plant and materials used in the construction of the development;
  - v the erection of any temporary means of enclosure or security hoarding;
  - vi measures to prevent mud and debris being carried on to the public highway.

The approved statement shall be adhered to throughout the demolition and construction periods.