

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

WEDNESDAY 5TH SEPTEMBER, 2012

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF WEST AREA PLANNING SUB-COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun (Chairman),
Vice Chairman: Councillor Eva Greenspan (Vice-Chairman)

Councillors

Jack Cohen	Sury Khatri	Agnes Slocombe
Melvin Cohen	John Marshall	Gill Sargeant
Claire Farrier	Hugh Rayner	Darrel Yawitch

Substitute Members

Tom Davey	Helena Hart	Ansuya Sodha
Graham Old	Charlie O'Macauley	Reuben Thompstone
Andrew Harper	Lord Palmer	Zakia Zubairi
John Hart	Mark Shooter	

You are requested to attend the above meeting for which an agenda is attached.

Aysen Giritli – Head of Governance

Governance Services contact: Paul Frost 0208 359 2205 paul.frost@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Declaration of Members' Personal and Prejudicial Interests	
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6.	Applications for Planning Permission and Consent under the Advertisements Regulations	
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LOCATION: 2 Elm Walk, London, NW3 7UP
REFERENCE: F/05087/11

AGENDA ITEM 7
Received: 21 December 2011
Accepted: 31 January 2012
Expiry: 27 March 2012
Final Revisions:

WARD(S): Childs Hill

APPLICANT: Mrs L Meir
PROPOSAL: Two storey side extension following removal of existing garage and single storey rear elevation. Two storey front extension including new front porch; Creation of lower ground floor including lightwells at both sides and rear; Extension to roof including 3no rear dormers to facilitate a loft conversion.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 911369; 06.914.01; 06.914.02; 06.914.03 Rev B; 06.914.04 Rev B; 06.914.05 Rev B; 06.914.06 Rev B; 06.914.07 Rev B; Report on Ground Investigation prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001; Letter Report - Hydrogeological Appraisal of Proposed Basement dated 17 August 2012 & Investigation prepared by Chelmer Site Investigations - Ref 3328.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s): The insertion of windows in any part of the approved development.
Reason:
To safeguard the amenities of neighbouring residents.
- 5 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.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.
- 6 The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.
Reason:
To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

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

Reason:

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

- 8 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for – access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D5, D6, H27, M11.

Local Development Framework:

Core Strategy (Adoption Version) 2012 – CS NPPF, CS1, CS5.

Development Management Policies (Adoption Version) 2012 – DM01, DM02, DM17.

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

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local 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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan July 2011:

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

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

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

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

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D5, D6, H27, M11.
Design Guidance Note No 5 – Extensions to Houses

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

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

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

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

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

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM17.

Relevant Planning History:

Site Address: 3 Elm Walk, London, NW3 7UP
Application Number: C/10877/A/03
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 27/06/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor and first floor side extension.**
Case Officer:

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: C/10958/D/03
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 08/12/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Loft conversion involving 3 No. dormer windows to rear roof.**
Case Officer:

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: C/12385/A/07
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 15/03/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension. Loft conversion and provision of 3 dormer windows to rear.**
Case Officer: Junior C. Moka

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: F/02307/08
Application Type: Section 192
Decision: Lawful Development
Decision Date: 29/08/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**

Case Officer: David Campbell
Site Address: Glass House, Elm Walk, London, NW3 7UP
Application Number: F/02995/08
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 09/10/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side extension to create additional bedroom.**
Case Officer: Junior C. Moka

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: F/00078/09
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 03/03/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer: David Campbell

Site Address: 12 Elm Walk, London, NW3 7UP
Application Number: F/02083/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 28/07/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two storey side and rear extension and new rear patio area. Extension to roof including 3no rear dormers to facilitate a loft conversion.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02276/10
Application Type: Section 192
Decision: Lawful Development
Decision Date: 18/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extensions to roof including rear dormer window with roof light to front elevation to facilitate a loft conversion.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02282/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 25/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor rear terrace with 1.4m high privacy screen and glazed balustrade. Alterations to roof of ground floor rear projection.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02283/10
Application Type: Full Application
Decision: Approved with conditions

Decision Date: 06/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension, and alterations to garage.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/03518/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 26/10/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side extension. Single storey rear extension. Alterations to roof of existing rear projection and first floor rear terrace with glass balustrade. Extensions to roof including rear dormer window.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/04678/09
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 11/02/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Roof extension involving three rear roof dormer windows to facilitate loft conversion.**
Case Officer: Elizabeth Thomas

Consultations and Views Expressed:

Neighbours Consulted: 10 Replies: 3
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

1. The proposed extensions are unduly large in relation to the original building and are unacceptable because they dominate the existing building and will have a harmful impact on the street scene.
2. Overdevelopment of the site;
3. Out of character with the host building and surround properties;
4. The depth of the rear extension is over 5 metres;
5. The roof of the side storey is set down only 0.2 metres not in line with the design guidance;
6. Neighbouring ground water conditions should not be adversely affected as a result of the basement but not evidence has been submitted;
7. In relation to the front extension, whilst this is 649mm deep, the height of this projection will have a negative effect on the character of the street scene;
8. Adverse impact on the outlook from neighbouring house and garden;
9. Concerns about the principle of the basement;
10. Subsoil and geological considerations in the form of building subsidence from the effects of excavations, especially of a deep nature, are to an extent unpredictable, especially in Hampstead's geography/geology;
11. Damage to the built environment is matched by damage to trees and plant life generally, whose existence is totally dependent on water;
12. Nuisance during construction;

13. Concerned that the result of the borehole trial may not be representative, given the drought conditions currently being experienced. It is apparent from walking in Golders Hill Park and on the West Heath that springs and streams are very dry. The fact that water was not found in the boreholes until 4.3 m is not representative of normal conditions - normally the water table would be significantly higher. It is suggest that the results of these boreholes should be treated with caution.
14. Concerned with the removal of spoil from the site. Elm Walk is a narrow road which can only take one car in one direction at any time. Even deliveries of building material cause significant problems. There is a footway only on one side of the road. It is a dead end. If heavy lorries enter the road to remove spoil, access will be completely blocked for both pedestrians and vehicles - any one living beyond number 2 (virtually the whole road) will be blocked in (or out). There is no way in which spoil can be removed without causing extraordinary disruption to all but a couple of residents for an extended period;
15. Disagree with the findings and result of the Report on Ground Investigation prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001;
16. There is some incorrect referencing with the Report on Ground Investigation.

The application was referred to the Planning Sub-Committee at the request of Councillor Jack Cohen for the following reason:

"...to examine the impact of the basement proposal... and the disruption from construction works generally."

Internal /Other Consultations:

Building Control Department -

Satisfied by the findings and believes the report to have reasonable results for clay subsoil.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site which measures approximately 23 metres width to the front (12 metres to the rear) by 33.2 metres in depth and is located some 81 metres from the prominent corner of West Heath Road and Elm Walk. The materials used for the elevations are brick. The street is a cul-de-sac and this is one of the first few properties as one comes into the street.

Proposal:

The proposal relates to a single storey rear extension; two storey front extension including new front porch; the creation of basement including lightwells at both sides and rear; and a Extension to roof including 3no rear dormers to facilitate a loft conversion.

The two storey side extension will follow the demolition of the projection front element of the garage; and incorporates the element of the garage to the side of the

dwelling and the rear utility room.

The application was amended since first being submitted and the extensions reduced in size.

This application was deferred at the West Area Sub Committee dated 28 June 2012 to allow for the Council's Building Control Department Principal Structural Engineer to be present at this committee meeting.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

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

The living conditions of neighbouring residents

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

Unitary Development Plan Policies D5 and H16 seek, amongst other things, to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

The proposed single storey rear extension element has a rearward projection of 4 metres from the rear building line of the dwelling (reduced from 5.015 metres as originally submitted). The proposed extension is not full width (6.572 metres in width closest to the boundary with no. 4) and has a height of 3.5 metres with a flat roof. Any potential impact of the extension is considered to be mitigated by the depth of the extension at no. 4. This is considered to ensure the amenities of neighbouring occupiers are protected.

The proposed two storey side extension is set 1.1 metres away from the boundary to the neighbouring detached properties at no. 4. It is considered that this proposed extension would also comply with Council Policies that seek to preserve the amenities of neighbouring occupiers.

There are no windows in the side elevations facing the application site from no. 4 and as a result this proposal is not considered to result in a loss of outlook from and light to the front and rear windows or increased sense enclosure to 4 Elm Walk and would comply with policy D5.

Character and appearance

In seeking the achievement of high quality design, NPPF says at policy 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

Design Guidance (Note No. 5 – Extensions to Houses) indicates that double storey side extension should:

- Be subordinate to the original house;
- Be set in a minimum of 1 metre from the boundary;
- The height of the extension should normally be lower than the height of the original building to help minimise the impact on the street scene;
- The extension should be in proportion both in its own right and in relation to the original building, achieved by setting the extension back a metre from the front building line.

The proposed side extension would in the main accord with the Council Policies that seek to maintain the character of areas and individual properties. It is considered that the placement of the proposed extension on the boundary with no. 4 would create an acceptable relationship in this circumstance.

Although the Design Guidance (Note No. 5 – Extensions to Houses) states that extensions should have a metre set back from the front building line, it is considered in this particular case that the extension will still appear subordinate.

The proposed rear extension would comply with the Design Guidance (Note No. 5 – Extensions to Houses). The proposed extensions would comply with Council Policies that seek to preserve the character of areas and individual properties. The design and siting of the extension is such that it would not have a detrimental impact on the character of either the original property or the area.

The proposal for the basement (will be linked to the ground floor by an internal stair) is considered to be an acceptable addition. It is considered that in many cases within the borough basements are not acceptable. However, given the arrangement of the properties within Elm Walk, it is considered acceptable. The proposed basement extension is considered to be designed in a way in which it is not considered to be obtrusive in the street scene. It is considered that to all neighbours, the basement

will be virtually invisible due to its internal access.

The proposed number and size of the rear dormer windows accords with Council Guidance (Note No.5 – Extensions to Houses). It is not considered that these extensions would cause any significant detriment to the amenities of neighbouring occupiers as stated in Design Guidance (Note No. 5 – Extensions to Houses). There are numerous examples of properties within the area where similar dormer windows have been constructed.

The addition of a two storey front extension including a new front porch is considered acceptable as it doesn't harm the character of the area or the amenities of neighbouring occupiers (including 2c, Magnolia House and 4 Elm Walk).

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

Since the application was originally submitted, the proposal has been greatly amended and is considered to comply with the Design Guidance, as a result it is considered that the planning related concerns raised on this application relating to design are not sufficient to constitute a reason for refusal.

The attachment of a condition to this planning decision requiring restricting the installation of windows in the side elevations are considered to address the concerns of the objectors with regards to overlooking and the loss of privacy.

The Council's Building Control Department Principal Structural Engineer commented the on original submitted Report on Ground Investigation prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001 and was satisfied by the findings and believed the report to have reasonable results for clay subsoil. It was considered that the planning related concerns raised on this application relating to the principle of the basement and the two borehole tests provided were not sufficient to constitute a reason for refusal.

Further to an additional site investigation undertaken by Chelmer and the review of additional documents submitted, the Council's Building Control Department Principal Structural Engineer commented as follows:

1. The site investigation confirms the ground conditions to be sandy clay to a depth of 4.5m, Chelmer also identified thin bands of sand within the depth of the boreholes;
2. The building control officer for this area attended site during the investigation and

- confirmed the borehole logs are an accurate record of the ground conditions;
3. The ground conditions are consistent with the soil being part of the Claygate beds. The Bagshot sands were not encountered;
 4. Water seepages were recorded at the depths of the thin sand layers. Some of these are within the depth of the proposed basement excavation;
 5. Three standpipes were installed at different levels, all were dry on the day of the excavation;
 6. The surface water catchment area upslope of no. 2 is small;
 7. Piled foundations and sequential underpinning are to be used in the construction of the basement.

On the basis of the above, the Council's Building Control Department Principal Structural Engineer would agree with the Chelmer conclusion that the construction of the basement is unlikely to have a significant impact on groundwater flows, and provided normal good practice is used in the construction of the basement ground stability problems are unlikely.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The proposal complies with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

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 consider that this application has an acceptable impact on the amenities of the neighbouring occupiers.

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

SITE LOCATION PLAN: 2 Elm Walk, London, NW3 7UP

REFERENCE: F/05087/11



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LOCATION: 4 Manor Park Crescent, Edgware, Middx, HA8 7NN
REFERENCE: H/04040/11

Received: 27 September 2011 **AGENDA ITEM 8**

Accepted: 09 November 2011

WARD: Edgware

Expiry: 08 February 2012

Final Revisions:

APPLICANT: BMI International Holdings LTD
PROPOSAL: Change of use from D1 & D2 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.

Approve Subject to Unilateral Undertaking

Subject to a Unilateral Undertaking

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 **Libraries (financial) £1,455.00**
A contribution towards Library Facilities and Resources in the borough
- 4 **Health £13,841.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Highways Improvement (local to the site) £15,000.00**
A contribution towards local highway improvements within the vicinity of the development.
- 6 **Highways (controlled parking) £2,000.00**
A contribution towards the cost of required changes to an existing scheme or creation of a new scheme for controlling parking within the vicinity of the development.
- 7 **Monitoring of the Agreement £2,491.84**
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 8 **Special Site-Specific Obligation £0.00**
Undertaking to provide a community access plan with details of which rooms are available for public use and what uses they are available for, proposed rents and management arrangements
- 9 **Requirement to submit Travel Plan £5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel

Plan.

10 Special Site-Specific Obligation

£0.00

Submission of a management plan to ensure occupation by full time students at this institution and to provide details of management arrangements at the facility.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/04040/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: A-MPC10-PP03-PR D-17 Jun 12, A-MPC10-PP07-PR C-23 Feb 12, A-MPC10-PP04-PR D-27 May 12, A-MPC10-PP05-PR D-27 May 12, A-MPC10-PP02-EX, A-MPC10-PP08-PR C-23 Feb 12.

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

- 4 Before the building hereby permitted is occupied the proposed window(s) in the east elevation facing no.6 Manor Park Crescent, and the kitchen and dining room windows in the north elevation, and windows in the north elevation of unit 25 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

Reason:

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

- 5 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.

- 6 Prior to the commencement of the proposed development a Demolition/Construction Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the affected nearby service road users. The development shall thereafter be implemented in accordance with the approved details. Demolition/Construction Management Plan shall include, but not be limited to, the following information:

- details of the routing of construction vehicles to the site and access and egress arrangements within the site;

- details of how 24 hour access will be kept clear/ maintained, if it is to be used;
- site preparation and construction stages of the development;
- details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site facilities and materials;
- details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining adopted highway;
- the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- details of contractors compound and car parking arrangements;
- Details of interim car parking management arrangements for the duration of construction;

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties or the service road users.

- 7 A noise assessment, by an approved acoustic consultant, shall be carried out 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.

- 8 Before development commences, a report shall be carried out by a approved acoustic consultant and submitted to the Local Planning Authority for approval, this shall assess all the likely noise impacts from the educational and student accommodation use of the development, as well as 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.

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

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it

shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

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

- 10 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan A-MPC10-PP03-PR Revision D 17 JUN 12 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.

- 11 Before the development hereby permitted commences, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard highway and pedestrian safety.

- 12 The proposed student flats shall only be occupied by students who are enrolled in full time courses at the college on site.

Reason: To ensure that the development is occupied only by students on a temporary basis as the units are not of sufficient amenity to be occupied on a permanent basis.

- 13 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

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

- 14 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.

Reason:

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

- 15 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.

- 16 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.

- 17 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.

- 18 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.

- 19 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 20 Apart from the proposed community uses, the use hereby permitted shall not be open as a college, before 9am or after 5pm on weekdays, or at any time on Saturdays, Sundays or Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 21 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.

- 22 Before the development hereby permitted commences, an energy statement shall be submitted demonstrating how the scheme will achieve reductions in Target Emission Rate.

Reason: To ensure that the development achieves an acceptable environmental standard.

- 23 Before the development hereby permitted is occupied, a plan showing details of cycle parking shall be submitted to and approved in writing by the local planning authority.

Reason: to ensure that the development has an acceptable impact on highway and pedestrian safety.

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M4, M10, M11, M12, M13, M14, CS1, CS2, CS3, CS8, CS13, IMP1, IMP2.

Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Contributions to Libraries
Supplementary Planning Document: Contributions to Health
Supplementary Planning Document: Planning Obligations

Core Strategy (Adoption version) 2012: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

Development Management Policies (Adoption version)2012: DM01, DM02, DM09, DM13, DM17.

- ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on the character and appearance of the locality, neighbouring amenity, and highway and pedestrian safety. The proposals would make adequate provision to local libraries and health services and would make provision for highway improvements. The proposals would continue to provide community facilities on site and as such the loss of the previous use is considered acceptable. The proposals would provide an additional educational facility with associated student accommodation.
- 2 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve. The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements. 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) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.
- 3 The Highway Authority (HA) has to be contacted once the development proposal

starts. The owner/developer will need to enter into the S278 with HA, for the works to raise the existing dropped kerb on the Manor Park Crescent which is a public highway.

- 4 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £24,080.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website:
www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

RECOMMENDATION III

That if an agreement has not been completed by 05/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/04040/11 under delegated powers for the following reasons:

1). *The proposals would have a harmful impact on highway and pedestrian safety, being contrary to policies M10 and M13 of the Adopted Barnet Unitary Development Plan 2006, and policy DM17 of the Development Management Policies (Adoption Stage) 2012.*

2). *The development does not include a formal undertaking to meet the extra education, libraries, health services costs together with associated monitoring costs arising as a result of the development, contrary to Policies CS2, CS8, CS13 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document - Planning Obligations, Supplementary Planning Document -*

Contributions to Education, Supplementary Planning Document - Contributions to Libraries, Supplementary Planning Document - Contributions to Health, policy DM13 of the Development Management Policies (Adoption Stage) 2012, and Policy CS15 of the Core Strategy (Adoption Stage) 2012

3). *The proposals would result in the loss of a community facility, contrary to policies CS3 of the Adopted Barnet Unitary Development Plan 2006, and policy DM13 of the Development Management Policies (Adoption Stage) 2012.*

4). *The proposals would fail to ensure that the flats are occupied only by students at this institution or to provide facilities management, contrary to policies DM02 and DM09 of the Development Management Policies (Adoption Stage) 2012.*

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local 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 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011: 5.2, 6.1, 7.4, 7.6

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

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

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M3, M10, M11, M12, M13, M14, CS1, CS2, CS3, CS8, CS13, IMP1, IMP2.

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document: Contributions to Libraries

Supplementary Planning Document: Contributions to Health

Supplementary Planning Document: Planning Obligations

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

Core Strategy (Adoption version) 2012

Barnet’s emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning

applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM09, DM13, DM17.

Relevant Planning History:

Site Address: 4 Manor Park Crescent, Edgware, Middx, HA8 7NN
Application Number: H/04040/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 07/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from D1 & D2 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 176 Replies: 20
Neighbours Wishing To Speak 3

20 objections have been received

A petition of 106 signatories has been received in objection to the development.

The objections raised may be summarised as follows:

- Occupation of site by students would be detrimental to character of the area and upset tranquility of the neighbourhood
- Proposals result in the loss of parking and there is no provision for additional demand generated
- Building is already overdeveloped will proposals will cause further overshadowing and loss of privacy.
- Use is already taking place and is offering courses on building services and as a hostel
- Previous use was not 24 hours a day. Proposals could cause antisocial behaviour with lots of young people congregating
- Area is overpopulated and infrastructure cannot cope, sewerage cannot cope with population growth
- Loss of community facility
- Developers have no right to use service road or sue this for maintenance.
- Density of development is excessive

- Where are smoking areas
- Dumping of rubbish
- How would the use of the flats for private market purposes be prevented?
- Ground floor windows should be obscured/fixed shut to prevent disturbance
- Permission was only granted for a youth club and therefore this use should not be lost.

Internal /Other Consultations:

- Traffic & Development - Comments contained in main report
- Environmental Health - No objection subject to conditions
- London Borough of Harrow - No objection

Date of Site Notice: 17 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a former youth club and community centre. The building is sited with entrances on the north-west side of Manor Park Crescent and south-east side of Grove Road. The building is part two storey and part three storey, though the two storey element is particularly high given that it housed a gym.

An access road serving the rear of shops on High Street runs alongside the south-west of the site. To the south and west is Edgware Town Centre. To the north and east are residential properties.

Proposal:

Planning permission is sought for 'Change of use from D1 & D2 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.'

The proposal is for a college offering various A level and university entry level courses.

The proposals include 30 student flats which would be occupied by students attending the premises.

Planning Considerations:

Background

The application follows a previous withdrawn application of a similar nature.

The main issues in this case are considered to be:

- Whether the principal of the use is acceptable, including the loss of the community facility
- The living conditions of neighbouring and future residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.
- Whether the proposals would harm highway and pedestrian safety
- Whether the development would be acceptable in sustainability terms
- Whether the proposals would make satisfactory provision towards local education, health and libraries infrastructure.

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policy Env12 states that Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Policy D3 states that the size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

Policy D4 states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy CS3 states that The council will not grant planning permission for development which results in the loss of an existing community or religious facility. Exceptions may be considered where:

- i. New community or religious facilities of at least equivalent quality or quantity are provided on the site or at an alternative location more accessible to users; or
- ii. Improvements are made to community or religious facilities at other sites; or
- iii. There is an excess of community or religious facilities in the area, and a particular development will not create a shortage of provision.

Policy DM01 of the Development Management Policies (Adoption version) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining

occupiers.

Policy DM09 states that the Council expects proposals for student accommodation to demonstrate that they support educational establishments within Barnet and meet an identified local need. Provision for students should be located in accessible locations.

Policy DM13 advises that the loss of community / educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

Whether the principal of the use is acceptable including the loss of the community facility

The existing building has been used as a youth and community centre. In the view of the case officer, this comprised a mixture of D1 (Non-Residential Institutions) and D2 (Assembly & Leisure) uses. It should be noted that whilst there was a youth club element, the proposals were not solely a leisure use, as various religious activities are also understood to have taken place.

The proposals are for a change of use to a educational college (D1 use) with 30 self contained student flats.

The applicant has advised that the proposed flats would only be occupied by students attending the premises. A condition is attached ensuring that students only attending the college occupy the flats, and this is also part of the proposed legal agreement.

The applicant has advised that they are willing to enter into a Section 106 agreement to develop a community access plan for specified rooms on the site. The applicant advises that there are limited opportunities for sports such as football, basketball, badminton in the areas highlighted but had envisaged that there may be a demand from local groups for yoga, tai chi, table tennis, dance classes, chess clubs, bridge etc.

It is considered that this adequately addresses the loss of the community facilities previous on site.

The living conditions of neighbouring and future residents;

The applicant has amended the proposals in an effort to ensure the impact on neighbouring residents is acceptable.

Neighbouring residents are located to the north-east of the site, notably no.1 Grove Road and no.6 and 6A Manor Park Crescent. These properties have rear gardens running alongside the north-east boundary of the site and as a result the flank wall of the building is highly visible.

The proposals would have flank windows in the side facing these properties. The windows would be fixed shut and obscure glazed up to 1.7m height. The building would be sited further back from the boundary than the existing building.

Given that the windows would be obscure glazed and fixed shut, it is not considered that there would be undue overlooking or perception of overlooking as viewed from neighbouring residential properties.

The side window of unit no.25 would also be obscure glazed to prevent overlooking to the side window of unit no.24.

Furthermore given the proposed changes to the massing of the scheme, it is considered that the proposals would be likely to result in less overshadowing and loss of light than the existing building.

The proposals would result in the premises being occupied by 30 students. Given the design of the scheme, opportunities for noise escape from the building would be minimised. Conditions could be attached ensuring that adequate sound insulation is provided to prevent noise escape.

It is also noted that the proposal could generate significant general activity from both residents and students. Given the location close to a town centre it is considered that the proposals would not harm neighbouring amenity through associated general activity. Any noise from the development perceptible from the rear garden areas and dwellings themselves should not be detrimental to neighbouring amenity.

The proposed flats would be approximately 30 square metres in area. The units would have their own bathroom facilities and not kitchen facilities, which would be provided communally. The majority of units with obscure glazed windows would also have opening rooflights. Providing it is ensured that these are not occupied as self-contained flats it is considered that the units would provide an acceptable level of accommodation.

Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The proposals involve substantially altering the existing building. The resulting building would be brick at ground floor with render above. It would have a zinc clad roof with dormers to the Manor Park Crescent elevation.

The existing building is considered to be unsympathetic in relation to the local townscape, its flank elevations particularly lack visual interest. The works would present an opportunity to substantially improve the appearance of the building without harmfully increasing its massing.

It is considered that the proposals would improve the appearance of the building, which would have a positive impact on the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway and pedestrian safety

A Transport Assessment has been submitted in support of the application . This has been amended since originally being submitted, proposing some mitigation measures in the form of a draft Travel Plan.

The PTAL level of the site is 6a. The reason for this is, the positioning of this site which is approximately 430 metres from Edgware underground station. Also, there are 15 bus day routes operating nearby, as well as, two night bus routes.

The proposal reduces the current parking spaces from 10 spaces to six spaces. These spaces are intended for use by staff and visitors only.

Taking into account the above and the current provision of public transport, the parking spaces proposed are considered appropriate for this location.

In order to prevent any parking displacement that may result by this lower parking provision, S106 contribution will be secured to exempt the users of this address—residents and business, from the current Controlled Parking Zone (CPZ) or any other changes to the controlled zone that may occur in the future. This is included within part of the proposed Section 106 agreement.

A condition is proposed requiring a Parking Management Plan.

By taking account of the vicinity to the Edgware Town Centre, public transport accessibility level and local parking stress and the site inclusion in the Controlled Parking Zone, it is considered that the level of the parking of this proposal is sufficient, providing that this address is excluded from purchasing residential and business permits for all its users.

There are two disabled parking spaces proposed as part of this scheme. In comparison with the current situation and the use of parking bays this is considered an improvement.

With regards to cycle parking provision, 'The London Plan' and TfL's cycle parking standards for new developments, to see those standards are met for this proposal. 33 which represents the cycle parking spaces for this proposal.

A draft Travel Plan (TP) has been submitted with this application. Before the development is occupied an agreed Travel Plan will need to be submitted and approved by the Local Planning Authority which will include the appointment of a Travel Plan co-ordinator.

The refuse/recycle associated with this development is to be located to Grove Road.

The application is recommended for approval on highways grounds, subject to the conditions and the S106 contributions.

Whether the development would be acceptable in sustainability terms

Policy 5.2 of the Mayors's London Plan requires that new development achieves 25 per cent reduction in Target Emission Rate.

The entire building would not be demolished. Therefore this could make it difficult to strictly meet the requirements of the policy.

The development makes provision for photovoltaic panels on the roof of the development. A condition is attached requiring that an energy statement is provided to ensure that the potential TER is minimised.

Whether the proposals would make satisfactory provision towards local education, health and libraries infrastructure.

The proposals would necessitate the following planning obligations:

- £1,455.00 towards libraries facilities
- £13,841.00 towards health facilities
- £2,000.00 towards review of CPZ
- £20,000 towards highway improvements (Including £5,000 toward travel plan monitoring)
- £2,491.84 towards associated monitoring costs.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Occupation of site by students would be detrimental to character of the area and upset tranquility of the neighbourhood - *The site is located close to Edgware town centre. The proposed use is considered appropriate for this location if conditions are attached to prevent undue harm to local residents.*

Use is already taking place and is offering courses on building services and as a hostel - *This is noted and is currently being investigated by the Council's Enforcement team.*

Previous use was not 24 hours a day. Proposals could cause antisocial behaviour with lots of young people congregating - *The college itself would operate from 9am-5pm. It is not considered that the proposals would cause a harmful increase in antisocial behaviour in the locality, as students would not remain on site outside this time other than the 30 student living at the premises.*

Area is overpopulated and infrastructure cannot cope, sewerage cannot cope with population growth - *Sewerage is principally dealt with under the building regulations*

Developers have no right to use service road or use this for maintenance. - *This is a civil matter that the Council cannot intervene in.*

Density of development is excessive - *It is not considered that the density of the development warrants refusal.*

Where are smoking areas - *There is no designated smoking area.*

Dumping of rubbish - *Adequate refuse stores would be provided.*

How would the use of the flats for private market purposes be prevented? - *Conditions are attached ensuring that the flats are occupied by students. The flats would not have kitchen facilities. This means that the Council would retain control and could take action against any breach of the conditions.*

Ground floor windows should be obscured/fixed shut to prevent disturbance - *This is noted and a condition requiring this is attached.*

Permission was only granted for a youth club and therefore this use should not be lost. - *Since the time of the previous decision the Use Classes Order has been introduced. In any event, the proposed use is considered acceptable in planning terms..*

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

**SITE LOCATION PLAN:
7NN**

4 Manor Park Crescent, Edgware, Middx, HA8

REFERENCE:

H/04040/11



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LOCATION: 194-198 Broadfields Avenue, Edgware, Middx, HA8 8TF
REFERENCE: H/04874/11
WARD(S): Edgware

AGENDA ITEM 9
Received: 05 December 2011
Accepted: 05 December 2011
Expiry: 30 January 2012

Final Revisions:

APPLICANT: RCCG Open Heavens

PROPOSAL: Ground floor rear, side extension and proposed first floor construction to east of site above existing multi-purpose hall for use as nursery.

RECOMMENDATION: Approve Subject to S106

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2011/C182/01, 2011/C182/02, 2011/C182/03, 2011/C182/04, 2011/C182/05, 2011/C182/06 Rev. A, 2011/C182/07, 2011/C182/08, 2011/C182/09 Rev. A, 2011/C182/10.

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

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

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

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

Reason:
To safeguard the visual amenities of the locality.

4 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.

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

- 5 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 2011/C182/06 Rev A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

- 6 The gates as shown on the approved plans shall not open outward onto the public footway.

Reason: To safeguard highway and pedestrian safety.

- 7 The proposed nursery shall not be occupied by more than 50 children at any one time.

Reason: To safeguard neighbouring amenity and to enable the Council to retain control over the intensity of the use.

- 8 The use hereby permitted shall not be open before 8am or after 6pm on weekdays or at any time on Saturdays, Sundays or Bank Holidays..

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 9 The outdoor areas shall not be used before 9am or after 5pm between Monday and Friday and not at all on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard neighbouring amenity.

- 10 Before the building hereby permitted is occupied the proposed window(s) in the east elevation facing 4 Hamonde Close 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.

Reason:

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

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

Reason:

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

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

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

Reason:

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

- 13 A scheme for acoustic fencing to provide adequate separation of the development from the residential properties shall be submitted in writing and approved by the LPA prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

Due to a likely increase in use of the development as a whole, and the side gate located in Hamonde Close with its use as car parking facilities and parents waiting/arrival area. To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s).

- 14 Prior to the commencement of the development details of the cycle parking shall be submitted and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and maintained as such thereafter.

Reason:

To ensure adequate provision of cycle parking.

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, ENV12, M3, M10, M11, M12, M13, M14, CS1.

Core Strategy (Adoption version) 2012: CS5

Development Management Policies (Adoption version)2012:

ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on neighbouring amenity and the character and appearance of the general locality. The proposals would have an acceptable impact on highway and pedestrian safety.

RECOMMENDATION III

That if an agreement has not been completed by 05/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/04874/11 under delegated powers for the following reason:

In the absence of a travel plan and provisions for monitoring such an agreement, the proposals would have a harmful impact on highway and pedestrian safety, being contrary to policies M3 and M10 of the Adopted Barnet Unitary Development Plan 2006, and policy DM17 of the Development Management Policies (Adoption Stage) 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local 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 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011: 6.1, 7.4, 7.6

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

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

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, ENV12, M3, M10, M11, M12, M13, M14.

Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Planning Obligations.

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

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM04, DM17.

Relevant Planning History:

Site Address: R.C. Church Broadfields Avenue EDGWARE MIDDX
Application Number: W01641D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 08/08/1995
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey presbytery attached to existing church.**
Case Officer:

Site Address: ST MATTHIAS R C CHURCH Broadfields Avenue EDGWARE MIDDX
Application Number: W01641C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 14/08/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extensions and alterations to Church to provide parish community centre, and Church construction of car park at rear with vehicular access to Hamonde Close**
Case Officer:

Site Address: ST MATTHIAS R C CHURCH Broadfields Avenue EDGWARE MIDDX
Application Number: W01641B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 10/04/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of two-storey building with garage adjoining existing Church to provide Presbytery.**
Case Officer:

Site Address: ST MATTHIAS CHURCH Broadfields Avenue EDGWARE MIDDX
Application Number: W01641A
Application Type: Full Application
Decision: Refuse

Decision Date: 12/09/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey building with garage adjoining existing Church to provide presbytery**

Case Officer:

Site Address: ST. Matthias Church Hall Broadfields Avenue EDGWARE Middx HA8
Application Number: W01641
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/04/1968
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Playgroup**
Case Officer:

Site Address: St Matthias Roman Catholic Church, 196-198 Broadfields Avenue, Edgware, Middx, HA8 8TF (NKA Open Heaven Christian Centre)
Application Number: H/04453/10
Application Type: Section 192
Decision: Lawful Development
Decision Date: 18/01/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use of church hall as day care nursery.**
Case Officer: Matthew Corcoran

Site Address: St Matthias Roman Catholic Church, 196-198 Broadfields Avenue, Edgware, Middx, HA8 8TF
Application Number: H/02191/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 10/08/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor extension and formation of first floor to existing multi-use church hall building.**
Case Officer: Matthew Corcoran

Consultations and Views Expressed:

Neighbours Consulted: 53 Replies: 17
Neighbours Wishing To Speak 7

11 Objections were received and 6 letters of support.

The objections raised may be summarised as follows:

- Overlooking
- Loss of light and overshadowing

- Parking
- Highway Safety
- Traffic
- Noise
- Layout and density of building
- Design and appearance
- Church has expanded and this has caused additional problems in terms of noise and parking.
- Caused additional noise and disturbance through use of play areas etc.

The letters of support can be summarised as follows:

- The project would contribute to the social life of community and youth club facilities, will have a positive impact on young people.

Internal /Other Consultations:

- Traffic & Development - No objection, subject to conditions and legal agreement to provide £5,000 towards travel plan monitoring
- Environmental Health - No objection
- Early Years - No comments received

Date of Site Notice: 15 December 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is a church on the corner of Broadfields Avenue and Hamonde Close. The existing building is higher than surrounding buildings.

To the east of the site is a timber clad single storey building currently used as a nursery.

To the south is a smaller scale two storey building housing offices for the church.

To the east are residential properties on Kinross Close and Hamonde Close. The existing gardens have a view of the flank wall of the existing church building to the north and west.

Proposal:

Planning permission is sought for ground floor rear and side extensions to the existing nursery building and first floor extension above.

The applicant has advised that the building would support a nursery for up to 50 children.

The plans have been amended following discussion between Council officers and the applicant.

The proposals involve extending the existing building forward at two storey level to align with the front wall of 4 Hamonde Close. The ground floor building would be extended by approximately 1.5m rearwards and 0.5m towards the boundary with no.4 Hamonde Close at ground floor level.

The ground floor of the building would be 4.7m high with a roof hipped from both sides and from the rear.

The first floor part of the building would be 7.7m high with a gable ended roof to the rear.

Planning Considerations:

The main issues are considered to be:

- *The impact of the proposals on the character and appearance of the general locality and streetscene*
- *The impact the proposals would have on neighbouring amenity*
- *The impact the proposals would have on highway safety*

Policy context

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Policy D3 states that the size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

Policy D4 states that new development should respect the constraints of the site to accommodate development and should not result in over-development.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers.

Policy Env12 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted.

Policy M10 states that where it is considered necessary as a consequence of development, the council may introduce measures to reduce the effects of traffic on the environment and the community. Where the need for such measures is directly related to the development and any planning permission, the council will seek to secure a planning obligation from the developer.

Policy DM01 of the Development Management Policies (Adoption version) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The impact of the proposals on the character and appearance of the general locality and streetscene

The proposals have been significantly amended since originally submitted. The first floor element has been reduced substantially in depth so that it would extend 3m beyond the rear wall of the neighbouring property at Hamonde Close, a distance of 2.6m from the boundary, effectively 3.6m from the flank wall of the nearest property.

The revised drawings show a gable ended wall that is rear facing. It is not considered that this would appear unduly obtrusive or out of character within the locality given the distance from the boundary with neighbouring properties. Furthermore, the extension to the front of the building to bring it in line with the neighbouring building at first floor level is considered acceptable.

As amended it is not considered that the proposals would materially harm the character and appearance of the streetscene and general locality.

The impact the proposals would have on neighbouring amenity

The proposals have been significantly amended since originally submitted. The first floor element has been reduced substantially in depth so that it would extend 3m beyond the rear wall of the neighbouring property at Hamonde Close, a distance of 2.6m from the boundary, effectively 3.6m from the flank wall of the nearest property.

The revised drawings show a gable ended wall that is rear facing. This would be somewhat visible from neighbouring residential properties, especially from the south on Kinross Close, and to the east on Hamonde Close. Given the distance away it is not considered that this would appear overbearing or cause harmful loss of outlook

from neighbouring windows. It is noted that the property at no.2 Kinross Close has a garden of shallow depth, and its windows have views across the rear of the site. The reduced depth of the first floor extension would prevent the new building from appearing overbearing.

The rooms at first floor level would be lit by high level obscure glazing. It is not considered that this would cause unacceptable overlooking or a perception of overlooking to neighbouring occupiers.

The building would also be extended at ground floor level, though it is considered that this is sufficient distance from boundaries to prevent undue impact on neighbouring occupiers.

The applicant has advised that the premises would be occupied by up to 50 children. In order to ensure that this does not cause harm to the amenities of nearby residents it is considered necessary to limit the number of children on site to 50 to prevent a greater number of children from attending.

The impact the proposals would have on highway safety

The site is currently used as a nursery for 30 children. The premises are also used by a youth club on Fridays from 7:00pm to 9:00pm and for group meetings at weekends. The hours of operations for the nursery are: 7:00 am to 6:30pm. It is also reported that church group meetings are carried out at weekends.

The existing access to the car parking spaces is via Broadfields Avenue across the dropped kerb. This access is very near to the informal crossing and roundabout. The informal crossing has tactile paving to help and guide disabled users to cross at this point. There are double yellow lines restricting parking in this area.

The proposal is for rear and side ground floor extension as well as first floor construction.

A gate is proposed to enclose the front parking space to Hamonde Close. The amended drawings show that sliding gates have been replaced by the ones that open inwards. No gates are allowed to open on to the public highway since this will compromise the safety of other public highway users.

Parking spaces are provided on the existing church site and there would be an additional disabled parking space accessible from Hamonde Close served by an additional access.

A draft travel plan has been submitted and the applicant has agreed to provide £5,000 for five years (or annually £1,000), in order to ensure that any impact from the increased numbers of children attending the nursery is mitigated.

The proposal was amended to include 5 cycle stands whereas previously it had 6 cycle spaces proposed to be provided. Further details are needed and the spaces should be under cover which will benefit the cyclists accessing the site.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report.

Church has expanded and this has caused additional problems in terms of noise and parking. - *The church has existing unrestricted use and this cannot be controlled if associated with the church.*

4. EQUALITIES AND DIVERSITY ISSUES

The proposals would provide additional nursery accommodation within the Borough, whilst not having undue impact on existing residents. 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 application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:
HA8 8TF**

194-198 Broadfields Avenue, Edgware, Middx,

REFERENCE:

H/04874/11



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LOCATION: 108-110 Stonegrove, Edgware, Middx, HA8 7UB

AGENDA ITEM 10

REFERENCE: H/01918/12

Received: 18 May 2012

Accepted: 18 May 2012

WARD: Edgware

Expiry: 13 July 2012

Final Revisions:

APPLICANT: Mr M Stent

PROPOSAL: Extension to the time limit for implementing planning permission H/01496/09 granted 25/06/09 for Redevelopment with part two, part three-storey, plus rooms in roof space, building to accommodate six self-contained flats with associated access and parking.

Approve Subject Unilateral Agreement

Subject to a Unilateral Agreement

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) £1,346.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £346.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,904.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £279.80**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/01918/12 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 plan, S22.P.02, S22.P.03, S22.P.04, S22.P.05, S22.P.06, S22.P.07, S22.P.08, S22.P.09, Design and Access Statement
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Stonegrove or Orchard Drive from a point

2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

- 4 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan S22.P.05 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

- 5 Before the development hereby permitted commences, details of privacy screen in the location indicated on plan nos S22.P.04 and S22.P.07 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 that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

- 6 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.

- 7 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.

- 8 The flat roof sections of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

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

- 9 No development shall take place within the area indicated until the applicant, agent or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

To enable archaeological investigation of the site.

- 10 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.
Reason:
To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.
- 11 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.
- 12 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.
Reason:
To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.
- 13 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.
- 14 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.
- 15 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.
- 16 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).
- 17 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.

- 18 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, H16, H17, H18, M11, M12, M14, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Adoption version) 2012: CS5

Development Management Policies (Adoption version)2012: DM01, DM02, DM08, DM17

ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on the character and appearance of the streetscene and general locality, neighbouring amenity and highway safety. The proposals would attain an acceptable environmental standard and would make adequate provision to local infrastructure.

- 2 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. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

RECOMMENDATION III

That if an agreement has not been completed by 05/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/01918/12 under delegated powers for the following reasons:

1. The development does not include a formal undertaking to meet the extra education, libraries, health services costs together with associated monitoring costs arising as a result of the development, contrary to Policies CS2, CS8, CS13 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, Supplementary Planning Document - Contributions to Health.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local 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 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011: 3.5, 6.1, 7.4, 7.6

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

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

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5, M11, M12, M14, H16, H17, H18, CS2, CS8, CS13, IMP1, IMP2.

Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Contributions to Education
Supplementary Planning Document: Contributions to Libraries
Supplementary Planning Document: Contributions to Health Facilities
Supplementary Planning Document: Planning Obligations

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

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

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

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

Core Strategy (Adoption version) 2012

Barnet’s emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material

consideration in the determination of planning applications.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5, CS15.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM08, DM17.

Relevant Planning History:

Site Address: 108-110 Stonegrove, Edgware, Middx, HA8 7UB
Application Number: H/01496/09
Application Type: Full Application
Decision: Approved
Decision Date: 25/06/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Redevelopment with part two, part three-storey, plus rooms in roof space, building to accommodate six self-contained flats with associated access and parking.**
Case Officer: Graham Robinson

Site Address: 108-110 Stonegrove Edgware Middlesex HA8 7UB
Application Number: W13241E/07
Application Type: Full Application
Decision: Refuse
Decision Date: 09/01/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Redevelopment with part two, part three storey building to accommodate 6No. self contained flats with associated access and parking.**
Case Officer: Louise Doran

Site Address: 106-110 Stonegrove Edgware Middlesex HA8 7UB
Application Number: W13241C/05
Application Type: Full Application
Decision: Withdrawn
Decision Date: 02/09/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellings and erection of a part two-storey, part**

**three-storey building to provide a total of 9no. self-contained flats.
Provision of basement car-parking accessed from Orchard Drive.**

Case Officer: Lesley Feldman

Site Address: 102-110 Stonegrove Edgware Middlesex HA8 7UB
Application Number: W13241A/03
Application Type: Full Application
Decision: Refuse
Decision Date: 27/08/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellings and erection of two four storey blocks comprising 30 flats plus underground car parking. (DUPLICATE APPLICATION).**

Case Officer:

Site Address: 102-110 Stonegrove Edgware Middlesex HA8 7UB
Application Number: W13241/03
Application Type: Full Application
Decision: Deemed Refusal
Decision Date: 27/02/2004
Appeal Decision: Withdrawn
Appeal Decision Date: 27/02/2004
Proposal: **Demolition of existing dwellings and erection of two four storey blocks comprising 30 flats plus underground car parking.**

Case Officer:

Site Address: 106-110 Stonegrove Edgware Middlesex HA8 7UB
Application Number: W13241D/05
Application Type: Outline Application
Decision: Refuse
Decision Date: 17/11/2006
Appeal Decision: Allow subject to conditions
Appeal Decision Date: 17/11/2006
Proposal: **Demolition of existing dwellings and erection of a part two-storey, part three-storey building to provide a total of 9no. self-contained flats. Provision of basement car-parking accessed from Orchard Drive.(OUTLINE).**

Case Officer:

Site Address: 106-110 Stonegrove Edgware Middlesex HA8 7UB
Application Number: W13241B/04
Application Type: Full Application
Decision: Refuse
Decision Date: 18/10/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing dwellings and erection of a part two-storey, part three-storey building to provide a total of 10no. self-contained flats. Provision of basement car-parking accessed from Orchard Drive.**

Case Officer: Lesley Feldman

Site Address: 108-110 STONEGROVE, EDGWARE, MIDDX, HA8 7UB
Application Number: 01465/08
Application Type: Full Application
Decision: Refuse
Decision Date: 10/02/2009
Appeal Decision: Dismissed
Appeal Decision Date: 10/02/2009

Proposal: **Redevelopment with part two, part three-storey, plus rooms in roof space, building to accommodate six self-contained flats with associated access and parking.**
Case Officer: Louise Doran

Consultations and Views Expressed:

Neighbours Consulted: 58 Replies: 6
Neighbours Wishing To Speak 1

5 Objections were received to the application and one comment.

The objections raised may be summarised as follows:

- Object to extension being granted, site is an eyesore and should not remain for 3 years. If permission is granted for a further 3 years this is excessive.
- How long has developer applied for?
- Hoardings on site affect visibility and have been erected on Council land
- When was permission granted?
- The comment can be summarised as follows:
- The site is unsightly at present and could lower value of surrounding houses.
- Would be agreeable to a 1 year permission.

Internal /Other Consultations:

- Thames Water Devt Control - No objection

Date of Site Notice: 31 May 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site related to two large single-family dwellings located on the corner of Orchard Drive and Stonegrove in Edgware. The properties are all set back off the road by a landscaped strip of land.

To the north of the site there are two blocks of flats, one is a 3 storey block of 12 flats known as Lonsdale Close and the other block is a 2 storey block of 7 flats known as Cedarwood Lodge. The surrounding area is predominantly residential in character with both houses and purpose built flats in the vicinity.

Proposal:

The proposals are for an extension to time limit for application H/01496/09 previous approved on 25/06/2009.

The application seeks planning permission to demolish the existing two dwellings and build a part two, part three storey building with rooms in the roof space to accommodate 6 flats. The maximum measurements of the proposed building would

measure 16.2m wide, 20.8m deep and 11.2m high with a hipped roof. 5 x 2 bedrooms flats and 1 x 3 bedroom flats are proposed. The proposed building would be sited a minimum 17.4m from carriage way to the front and would rise in height being highest adjacent to the intersection of Stonegrove and Orchard Drive.

Vehicle access would be provided off Stonegrove in the same location as existing. Basement car parking is proposed to accommodate 8 vehicles plus residents storage space. Cycle storage would be provided to the rear.

Planning Considerations:

Background

The application is for an extension to time limit for permission granted in 2009 for the redevelopment of the site for 6 flats.

Policy Context

Since the time of the previous application, the Council is in the process of adopting policy documents on Core Strategy Policies and Development Management Policies. These documents are at Adoption Stage at the time of writing this report.

Relevant development management policies are identified above.

Of particular relevance are policy DM01 which requires that development respects local character, and policy DM02 which sets out standards for new development.

Policy DM08 sets out the Council's priorities for new dwellings.

Policy DM17 sets out requirements in terms of car parking for new development.

In this way there have been changes to policy as identified, though the general thrust of the relevant policies is similar to those existing previously.

Furthermore, in 2009 the Council adopted a Supplementary Planning Document on Contributions to Health Facilities which is now a material consideration.

Relevant Development Management Policies (Adoption version) 2012:

Character & Appearance

The street scene on both sides of Stonegrove comprises blocks of flats and houses. The principle of flatted development in this location has been established by the previous appeal that allowed 9 flats at nos 106-110 Stonegrove and the planning permission for no.108-110 which this application seeks to extend.

The current scheme is traditional in design. It has a staggered frontage both in height and building line to form a three storey corner feature with active frontage on Stonegrove and Orchard Drive. There is a large verge in front of the Stonegrove

properties and therefore the nearest element would be 17.4m from carriage way. The proposal would protrude slightly forward of the existing building line (max 2m forward of no. 106's front bay). In light, however of the corner siting and proposed traditional design it is considered that the proposal would provide a visual transition from the houses to flats and a corner feature. In conclusion it is considered that the scale, bulk and design of the building proposed would be acceptable when taken in the context of the site and be in keeping with the surrounding residential character.

The current scheme proposed 6 no. flats on the site currently encompassing two dwelling houses. The previous scheme approved on appeal proposed 9 no. flats on a site encompassing three dwelling houses. The Inspector concluded that the previous development did not represent over-development of the site. The density of the current scheme follows the previous scheme and is therefore considered to be acceptable.

It is not considered that there have been any changes on site in terms of the appearance or character of the area since the previous approval that would warrant refusal of the planning application.

Residential Amenity

With respect to the relationship with the neighbouring properties, having regard to the relative positions, height and distances of the existing houses and the proposed building, it is not considered that the proposal would have any significant impact on the visual or residential amenities of adjoining owners.

The nearest residential property in Hillersdon Avenue would be sited approximately 27 metres away from the proposed block with a substation located between. There is a minimum distance of 10m from the rear windows at first and second floor to the boundary and 8.5m from a first floor balcony to the boundary. Taken together with the substation (an additional separation of 6m) the nearest balcony would be located approximately 30m from the rear of the properties fronting Hillersdon Avenue. Given the separation it is not considered that the proposal would result in significant overlooking or loss of privacy to the occupiers of properties in Hillersdon Avenue nor any overbearing impact.

With respect to the adjacent property no. 106 Stonegrove the proposed single storey element would be 2.2m from the side boundary and 2.3m deeper than no. 106 Stonegrove's single storey rear extension. The first and second floor elements would be sited 2m from the flank wall of no. 106 and would project 2.2m rearward. Given the separation and the presence of the single storey rear extension it is not considered that the proposal would result in an overbearing impact or loss of light. No windows are proposed in the flank wall and the small first floor balcony will have a 1.8m high privacy screen to the side and therefore it is not considered that there would be any significant overlooking or loss of privacy to the occupiers of no. 106 Stonegrove.

Since the approval of the original planning application the revised London Plan has been adopted in 2011. All units would appear to comply with policy 3.5 of the Mayors London Plan.

The application site is located along a busy road and the area is mixed in character including a number of purpose built flatted developments. It is therefore considered that the application would not exacerbate existing noise and disturbance levels, or be out of character in the context of the locality.

Provision of approximately 175m² of communal amenity space would be provided to the front, side and rear to serve the six units. In addition one unit will benefit from a private balcony. This would be in accordance with the requirements of Policy H18.

Car parking

Policy M14 requires 1 to less than 1 space per unit for development mainly consisting of flats. A total of eight car parking spaces are proposed as part of the proposal with vehicular access off Stonegrove. The site is located within a PTAL Score of 2, which is low accessibility. This level of provision is in excess of the requirements of Policy M14. The access, manoeuvrability and layout of the parking area are considered acceptable. Highways Officers raise no objections to the parking or access. The proposed access remains in the same location as existing and therefore would not materially worsen the situation with the existing street trees. A protective fencing condition will be attached to protect them during construction. Further details for the location of refuse facilities are recommended via planning condition.

Section 106

The Council adopted a Supplementary Planning Document on Contributions to Health Facilities which is now a material consideration.

The application would require contributions of:

- £1,346 towards Educational Facilities
- £346 towards Libraries Facilities
- £3,904 towards Health Facilities
- £279.80 towards associated monitoring costs.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Object to extension being granted, site is an eyesore and should not remain for 3 years. If permission is granted for a further 3 years this is excessive. - *It is not considered that restricting permission to less than 3 years is reasonable given that permission would normally be granted for 3 years.*

How long has developer applied for? - *They have not specified a time period. Normally permission is granted for 3 years.*

Hoardings on site affect visibility and have been erected on Council land - *The hoardings appear to be constructed on Council land. The council's property services team have been notified. This is not reason to withhold planning permission.*

When was permission granted? - *Planning permission was granted on 25/06/2009.*
The description has been amended to reflect this.

The site is unsightly at present and could lower value of surrounding houses. - *This is not a material planning consideration*

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

It is not considered that any material changes in policy or circumstances have changed since the previous decision on 25/06/2009 that warrant refusal of the application. It is therefore considered that the application would be acceptable subject to the section 106 agreement being agreed.

SITE LOCATION PLAN: 108-110 Stonegrove, Edgware, Middx, HA8 7UB

REFERENCE: H/01918/12



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LOCATION: 98 Great North Road, London, N2 0NL

REFERENCE: F/02634/12

Received: 12 July 2012

Accepted: 12 July 2012

Expiry: 06 September 2012

Final Revisions:

WARD(S): Garden Suburb

APPLICANT: Harrison Varma

PROPOSAL: Construction of new third floor and partial fourth floor to existing building.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 19-104, 19-002, 19-003, 19-004, 19-005, 19-010, 19-011, 19-012, 19-013, 19-200, 19-300, 19-301, 19-302, 19-303, 19-304, 19-330, 19-331, 19-332, 19-333 and a Design and Access Statement.

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

- 4 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity.

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

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

Reason:

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

- 6 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 any plant to be used on the development hereby permitted. 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 the extension is occupied.

Reason:

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

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D4, D5, D6, GEMP2, GEMP3, GEMP4.

Core Strategy (Adoption version) 2012: CS NPPF, CS1, CS5 and CS 8

Development Management Policies (Adoption version)2012: DM policies: DM01, DM02, DM04 and DM14.

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the conservation/surrounding area, the existing building or the amenities of any neighbouring property.

iii)

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

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

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

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) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D4, D5, D6, GEMP2, GEMP3, GEMP4.

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy (CS) is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5 and CS 8

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning

applications.

Relevant Development Management Policies: DM01, DM02, DM04 and DM14.

Relevant Planning History:

Site Address: 98 Great North Road LONDON N2 0NL
Application Number: C08309E
Application Type: Details Application
Decision: Approve with conditions
Decision Date: 09/01/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Details of landscaping pursuant to condition5 of planning permission ref. C08309D dated 3 May 1989 for a three storey office block**

Case Officer:

Site Address: 98 Great North Road LONDON N2 0NL
Application Number: C08309B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/07/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Three storey block with ground floor parkingand two floors of offices above, two vehicular accesses**

Case Officer:

Site Address: 98 Great North Road LONDON N2 0NL
Application Number: C08309C
Application Type: Details Application
Decision: Approve
Decision Date: 18/01/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Details of materials pursuant to condition 5of planningpermission C08309B dated 13.07.88for a three storey block with ground floorparking, two floors of offices above and two vehicular accesses**

Case Officer:

Site Address: 98 Great North Road LONDON N2 0NL
Application Number: C08309D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/05/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Three storey block of offices with ground floor and surface parking and two vehicularaccesses (alteration to building under construction)**

Case Officer:

Site Address: Cherry Tree Hill Depot Side, Cherry Tree Hill Great North Road N2
Application Number: C08309
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 02/01/1985
Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of three storey office building, provision of car parking and formation of vehicular and pedestrian accesses.**

Case Officer:

Site Address: Cherry Tree Hill Depot Great North Road N2
Application Number: C08309A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/07/1984
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from Local Authority Depot to Community Purposes**
Case Officer:

Site Address: 98-100 Great North Road LONDON N2 ONL
Application Number: C08309F
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 15/06/1992
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Internally illuminated advertisement to sideelevation.**
Case Officer:

Site Address: 98-100 GREAT NORTH ROAD LONDON N2
Application Number: C08309G/02
Application Type: Full Application
Decision: Refuse
Decision Date: 05/08/2002
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation/erection of 3 No. telecommunications antennae and ancillary equipment cabin on existing roof.**
Case Officer:

Site Address: Land adjacent to Blossom House 98 Great North Road, Great North Road, London
Application Number: F/00212/11/ENQ
Application Type: Pre-Application Enquiry
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Redevelopment of site to provide 21no flats.**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 26 Replies: 9
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- The fourth floor will create a feeling of over bearing to the houses opposite.
- The height was originally restricted due to the impact on the locally listed Dixey Cottages opposite.
- Not in keeping/ out of character with the streetscene.
- Out of scale.
- Increase overlooking
- Loss of privacy and amenity.
- Unacceptable in terms of bulk and mass
- Parking/ no additional business parking permits should be provided.
- The Beech tree is at risk of being felled.
- Disruption during building works.
- Loss of light leading to lights being kept on and carbon emissions increasing.
- The property cannot accommodate an additional 30 plus people.

Internal /Other Consultations:

- Green Spaces (inc Allotments) - No comments.

Date of Site Notice: 26 July 2012

2. PLANNING APPRAISAL

Site Description and Surroundings: The property is an office building located on the Great North Road, close to the junction with the Bishops Avenue. The site falls within the Garden Suburb ward, but does not fall within its conservation area.

Proposal: The application seeks consent for the construction of a new third floor and partial fourth floor to the existing building.

Planning Considerations:

The proposal involves a full third floor and partial fourth floor on the existing office building. The third floor would be a new floor above the existing, whereas the fourth floor would be set back approximately 6.8m from the front of the building, set in approximately 5.5m from the southern elevation and set in by 0.8m-2.1m at varying parts of the north elevation. This does not include the staircase which sits on the north west corner of the building. The building would remain 5m away from 94-96 Great North Way and 5m away from boundary with the railway building site to the

north. The building would also remain approximately 24m away from Dixey Cottages on the other side of the road. The existing building is 6.1m high whereas the proposed would be 7.5m to the top of the third floor and 8.8m to the fourth floor.

The proposed materials are to be brick for the third floor and a combination of metal and glass cladding for the fourth floor. A condition has been attached requesting samples of the materials to be submitted before works commence.

It is considered that the addition would not appear obtrusive and bulky in relation to the surrounding area. It is considered that the extension would be an acceptable addition to the building as a whole, and would preserve its character. It is not considered that the application would lead to over development of the site.

The design of the proposal is considered to be acceptable and it is not considered that the extension would disrupt the character of the street scene as with the previous applications. This would therefore be in line of policy D6, which aims to maintain the character of the street scene.

The proposal does involve the creation of additional office space, which the UDP promotes as in policies GEMP2, GEMP3, and it is considered that the location is acceptable for such a use.

It is considered that the building is far enough away from Dixey Cottages opposite, the closest residential buildings, not to cause loss of amenity to the occupiers. The properties next to the application site are both in use as commercial buildings and as such residential amenity will not be affected. It is considered that the application will have an acceptable impact on these two buildings as well and will not significantly harm the quality of the office space. It is not considered that the proposals will lead to loss of light or increased overlooking of these properties.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

Most of the grounds of objection have been addressed in the main report. The others are addressed below:

- It is not considered that the application could be refused on increased carbon emission at neighbouring properties.
- Disturbance during building works is not a material planning consideration.
- It is not considered that the council could restrict the issuing of parking permits as the application is only for the extension of an existing office building and not a new one.
- The council could not restrict the number of employees the company employ.
- A method statement has been requested by condition, which should afford

some protection to any trees on adjoining sites. There are no protected trees within close proximity to the proposed building works.

4. EQUALITIES AND DIVERSITY ISSUES

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

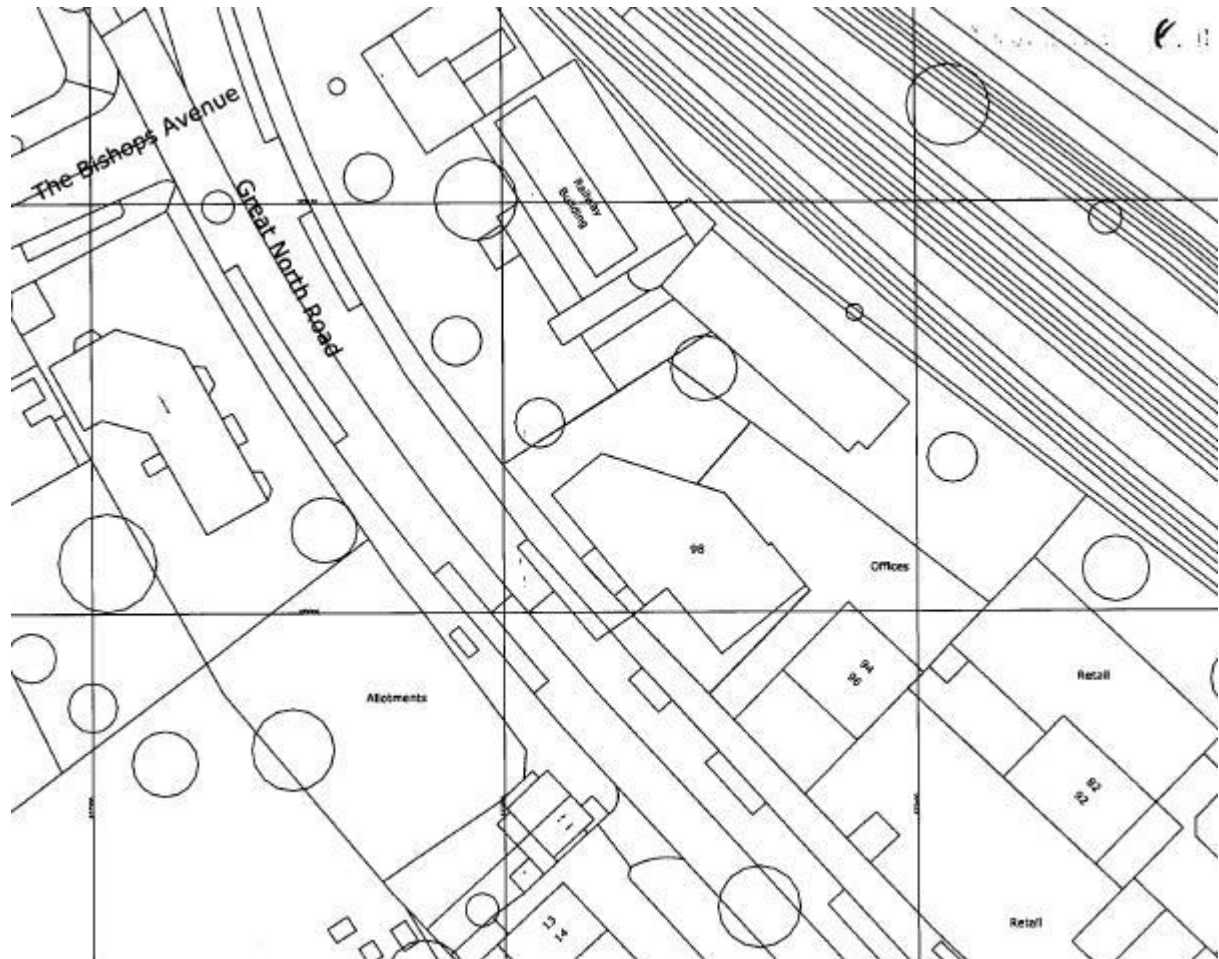
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the conservation/surrounding area, the existing building or the amenities of any neighbouring property.

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

SITE LOCATION PLAN: 98 Great North Road, London, N2 0NL

REFERENCE: F/02634/12



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LOCATION: Nancy Reuben Primary School, 48 Finchley Lane, London, NW4 1DJ

REFERENCE: H/01372/12 **Received:** 06 April 2012

Accepted: 25 April 2012

WARD(S): Hendon **Expiry:** 20 June 2012

Final Revisions:

APPLICANT: Nancy Reuben Primary School

PROPOSAL: Construction of a part single, part two storey detached building for use as a nursery following demolition of existing nursery.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 50FL-PP-01, 50FL-PP-02 Revision E, 50FL-PP-03 Revision F, Design and Access Statement.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To safeguard the visual amenities of the locality.
- 4 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.
Reason:
To ensure that the development is sustainable and complies with Strategic and Local Policies.
- 5 The proposed outdoor classroom area shall be used for teaching purposes only and not as a playground. It should not be used before 8.30am or after 4.30pm Monday-Friday or at any time on Saturday, Sundays or Bank Holidays..
Reason: To safeguard neighbouring residential amenity .
- 6 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.
- 7 The level of noise emitted from the site plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it

shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

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

- 8 Before the building hereby permitted is occupied the proposed window(s) in the south elevation facing 3 First Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

Reason:

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

INFORMATIVE(S):

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

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, M10, M11, M12, M13, M14, CS1.

Core Strategy (Adoption version) 2012: CS5

Development Management Policies (Adoption version)2012: DM01, DM04, DM13, DM17.

ii) The proposal is acceptable for the following reason(s): - The proposals would provide improved nursery accommodation. The proposals would have an acceptable impact on neighbouring amenity and the character and appearance of the general locality. The proposals would have an acceptable impact on highway and pedestrian safety.

- 2 Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local 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 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011: 6.1, 7.4, 7.6

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

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

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, ENV12, M10, M11, M12, M13, M14, CS1.

Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Planning Obligations.

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

that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM04, DM13, DM17.

Relevant Planning History:

Site Address: Nursery Building To Rear Of, Nancy Reuben Primary School, 48-50 Finchley Lane, London, NW4 1DJ
Application Number: H/02337/10
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 02/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed new pitched roof with dormer windows at side and front to create 2 additional classrooms. Part ground floor front extension.**
Case Officer: Matthew Corcoran

Site Address: Old Yosef Hal Synagogue, 48-50 Finchley Lane, London, NW4 1DJ
Application Number: H/03286/08
Application Type: Full Application
Decision: Approve with conditions

Decision Date: 18/12/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed gates and railings to the front and part side boundaries. Additional soft landscaping and new entrance lobby.**
Case Officer: Matthew Corcoran

Site Address: 48-50 FINCHLEY LANE, LONDON NW4 1DJ
Application Number: H/00858/09
Application Type: Conditions Application
Decision: Approve
Decision Date: 30/03/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of Conditions 2 (Landscaping - Details) and 5 (Details of Materials for Gates and Railings) pursuant to planning permission reference H/03286/08 dated 15/12/2008.**
Case Officer: Matthew Corcoran

Site Address: Nancy Reuben Primary School, 48 Finchley Lane, London, NW4 1DJ
Application Number: 02394/09
Application Type: Full Application
Decision: Refuse
Decision Date: 01/09/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Formation of first floor over existing single storey building and alterations to the ground floor**
Case Officer: Matthew Corcoran

Site Address: 48-50 Finchley Lane Hendon NW4 1JD
Application Number: W02511R/07
Application Type: Full Application
Decision: Refuse
Decision Date: 24/09/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension and formation of new first floor to provide additional 4 classrooms.**
Case Officer: Matthew Corcoran

Site Address: OD Yosef Hal Synagogue and School 48-50 Finchley Lane London NW4 1DJ
Application Number: W02511T/07
Application Type: Full Application
Decision: Refuse
Decision Date: 14/12/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed gates and railings to the front area to replace the temporary timber hoarding.**
Case Officer: Matthew Corcoran

Site Address: Od Yosef Hal Synagogue 48-50 Finchley Lane London NW4 1DJ
Application Number: W02511U/08
Application Type: Full Application
Decision: Refuse
Decision Date: 11/04/2008
Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed gates and railings to the front and part side boundaries. New entrance lobby.**
Case Officer: Matthew Corcoran

Site Address: OYH School 48-50 Finchley Lane London NW4
Application Number: W02511N/01
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/05/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension and conversion of outbuilding to form two temporary classrooms.**
Case Officer:

Site Address: 48-50 Finchley Lane London NW4
Application Number: W02511P/01
Application Type: Full Application
Decision: Migrated Code
Decision Date: 05/07/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Lower ground, ground and first floor and nursery extensions to relocate existing synagogue, extensions and alterations to existing building to accommodate new primary school and provision of ancillary pool building to rear and 12 parking spaces..**
Case Officer: Lesley Feldman

Consultations and Views Expressed:

Neighbours Consulted: 128 Replies: 5 to date
Neighbours Wishing To Speak 0

Additional consultation has been undertaken and any further comments will be reported to the committee in the addendum to the report.

The objections raised may be summarised as follows:

- Effect on traffic and parking
- Scale and loss of light
- Loss of privacy
- Noise

Internal /Other Consultations:

- Childrens Service - No comments received
- Thames Water Devt Control - Have suggested informatives
- Traffic & Development - No objection
- Environmental Health - No objection subject to conditions.

Date of Site Notice: 03 May 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

Application site relates to the Old Yosef Hal Synagogue and School, located on the south side of Finchley Lane which is mixed in character.

Proposal:

The proposals are for the construction of a part single, part two storey detached building for use as a nursery following demolition of an existing nursery.

The proposed plans have been amended so that there is a 3m set back off the boundary with no.3 First Avenue. The building would be between 6.7m and 7.7m at it's highest point on the side nearest no.3 First Avenue.

Planning Considerations:

Background

The application follows the approval of a similar application for proposed new pitched roof with dormer windows at side and front to create 2 additional classrooms under reference H/02337/10 by the Planning Sub committee in 2010. There has also been a previously refused scheme for a first floor extension adjacent to the boundary with no.3 First Avenue which was refused due to the impact on the occupiers of this property.

The main issues are considered to be:

- *The impact of the proposals on the character and appearance of the general locality and streetscene*
- *The impact the proposals would have on neighbouring amenity*
- *The impact the proposals would have on highway safety*

Policy context

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy DM01 of the Development Management Policies (Adoption version) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The impact of the proposals on the character and appearance of the general locality and streetscene

The proposed building would not substantially be visible from Finchley Lane, as the nursery building is located in the rear playground of the school.

The proposed building would be of contemporary appearance. It would be brick to the rear elevation facing 3 First Avenue at ground floor and rendered above. The building would have cedar cladding to the elevation fronting the playground.

It is considered that the proposed building would have an acceptable impact on the character and appearance of the general locality.

The impact the proposals would have on neighbouring amenity

Following discussions with the case officer, the proposed first floor element has been sited 3m from the boundary with no.3 First Avenue

The previously approved scheme was pitched away from the boundary to a height of 5m approximately 1m from the boundary. The proposed scheme would be higher at between 6.7m and 7.7m at its highest point, however this would be sited 3m from the boundary at first floor level. Given this separation it is not considered that the building would harmfully impact neighbouring amenity. No.3 First Avenue has its rear garden running alongside the rear boundary of the site.

No.1 First Avenue is located to the west of the proposed nursery building. The proposed building would have an open classroom area on the side nearest this property. Given the distance of the first floor element away it is not considered that the proposals would appear overbearing or result in harmful overshadowing or loss of light.

An outdoor classroom area is proposed, this would be surrounded by glass balustrade. The agent has advised that::

- The use of the outdoor classroom will very much be weather-dependent and will not be used in inclement weather.
- It should also be noted that the children in question who will be using the outdoor classroom are in Foundation years (i.e. aged 2-5). Such young children are unlikely to have long lessons and will always be taught in small groups with a teacher as per the National Guidelines and OFSTED requirements (dependent on the age group this can be one teacher per 3 pupils or one teacher per 4 pupils).
- The outdoor classroom will also be used as a planting area for young children

with small herb, vegetable and/or flower patches (all in containers).

- Based on the above, the outdoor classroom will be used for approximately 2 hours a day and this will be weather dependent as explained above. The children will at all times be under teacher supervision. The Outdoor classroom will therefore have intermittent use and not be in use continuously.

Conditions would be attached to any grant of permission restricting the use of this area, in order to ensure that surrounding residents are not unduly affected by noise escape.

In order to prevent overlooking to no.3 First Avenue all glazing on the facing elevation would need to be obscure glazed, and a condition could be attached to ensure this.

The impact the proposals would have on highway safety

The applicant has confirmed that the proposals are for improved nursery accommodation and that there would not be any increase in the number of children above that existing.

It is therefore considered that the impact on highway and pedestrian safety would be acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed in main report.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals would provide additional nursery accommodation within the Borough, whilst not having undue impact on existing residents. 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 application is recommended for **APPROVAL**.

SITE LOCATION PLAN:
Lane, London, NW4 1DJ

Nancy Reuben Primary School, 48 Finchley

REFERENCE:

H/01372/12



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LOCATION: 92-94 Hillview Gardens, London, NW4 2JR

REFERENCE: H/02045/12

Received: 28 May 2012

Accepted: 01 June 2012

Expiry: 27 July 2012

WARD(S): Hendon

Final Revisions:

APPLICANT: Ms L Wald

PROPOSAL: Two storey rear extension. New side access gates. New boundary fence with trellis. Roof extension with rear and side dormer windows and a total of 4no. rooflights to the front roofslope to both properties and associated landscaping at the rear to facilitate conversion of both properties into 5no. self contained flats.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, HD/539/4001 , 4002, 4000, 4003, 4004, 4005, proposed loft received 13.7.2012 and 4006.
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 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.
- 4 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 5 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.
- 6 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.
- 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 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

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

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

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

- 10 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 11 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".

- 12 Before the building hereby permitted is occupied the proposed window(s) and dormer windows in the flank elevation facing 137 Bell Lane 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.

Reason:

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

- 13 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with Policies M4, M5 and M14 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, GBEnv1, GBEnv2, GBEnv3, D1, D2, D3, D5, D6, D9, M14, CS2, CS8, CS13, H16, H17, H18, H23, H26, IMP1 and IMP2.

- SPD Sustainable Design and Construction
- SPD Contributions to Education
- SPD Contribution to Health
- SPD Contributions to Libraries
- SPD Planning Obligations

Core Strategy (Adoption version) 2012: CS4 and CS5

Development Management Policies (Adoption Version) 2012: DM01, DM02 and DM08

ii) The proposal is acceptable for the following reason(s): - The proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and future occupiers of the flats. It complies with all relevant council policy and design guidance.

- 2 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There

are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

- 3 The applicant is referred to the advise following from Thames Water.

1) Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments :-

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012

The determination of planning applications is made mindful of Central Government advice and the Local 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 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

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

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

3.3, 3.4, 3.5, 7.1 and 7.4

London Plan Internal floorspace standards - 1 bed 2 person - 50 sq m

Relevant Unitary Development Plan Policies:

Adopted Barnet UDP (2006):

GBEnv1, GBEnv2, D1, D2, D5, M11, M12, M14, H16, H23, H26, H27, CS2, CS13, IMP1 and IMP2.

Design Guidance Note 5 – Extensions

Design Guidance Note 7 - Residential Conversions

Supplementary Planning Document: Sustainable Design and Construction (June 2007)

Supplementary Planning Document on Contributions to Library Services (2008)

Supplementary Planning Document on Contributions to Health Services (2009)

Supplementary Planning Document: Planning Obligations

Core Strategy (Submission version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (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.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS4 and CS5

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02 and DM08

Relevant Planning History:

Site history for current landparcel :

117956 - 92-94 Hillview Gardens, London, NW4 2JR

Case Reference: **H/02045/12**

Application:	Planning	Number:	H/00825/12
Validated:	13/03/2012	Type:	APF
Status:	DEC	Date:	25/05/2012
Summary:	APC	Case Officer:	Cathy Munonyedi
Description:	Part single and part two storey rear extension to both properties.		

Site Address: 92 - 94 Hillview Gardens London NW4 2JR
Application Number: W12879B/07
Application Type: Outline Application
Decision: Refuse
Decision Date: 09/04/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of a four storey building to include basement and loft space to facilitate 39 No. self contained flats for student accommodation. (OUTLINE APPLICATION)**
Case Officer: Louise Doran

Site Address: 92-94 Hillview Gardens London NW4 2JR
Application Number: W12879A/03
Application Type: Outline Application
Decision: Refuse
Decision Date: 19/03/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing buildings and erection of a new three storey block comprising 5no. self-contained flats and provision of 6no. off-street car-parking spaces (OUTLINE). (Amended description).**
Case Officer:

Site Address: 12 Albert Road London NW4
Application Number: W05751
Application Type: Section 191
Decision: Lawful Development
Decision Date: 02/08/1978
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use as two flats**

Case Officer:

Site Address: 92-94 Hillview Gardens London NW4 2JR
Application Number: W12879/02
Application Type: Outline Application
Decision: Refuse
Decision Date: 06/08/2002
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Outline Application for demolition of existing two houses and construction of three-storey building comprising of 6x two-bedroom flats with 6 car parking spaces.**

Case Officer:

Site Address: 92 Hillview Gardens, London, NW4 2JR
Application Number: H/01888/12
Application Type: Section 192
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension following removal of existing conservatory. Extension to roof including hip to gable, 2no front rooflights and rear dormer to facilitate a loft conversion.**

Case Officer:

Erica Mason

Site Address: 92 & 94 HILLVIEW GARDENS, LONDON, NW4 2JR
Application Number: H/01603/08
Application Type: Full Application
Decision: Refuse
Decision Date: 03/10/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing two semi-detached houses and construction of building of thirty-one self-contained student accommodation units including new basement and rooms in roof space.**

Case Officer:

Louise Doran

Consultations and Views Expressed:

Neighbours Consulted: 90 Replies: 8
1 petition 8 signatures (2 submitted objection letters)
2 support including applicant

Neighbours Wishing To Speak- 0

The objections raised may be summarised as follows:

- scale and appearance
- out of character, detrimental impact
- traffic, access and parking
- currently property is rented as an HMO and the occupants do not have cars.
- increased noise and pollution
- cramped accommodation
- potential problem providing refuse facilities as the ground floor/street level is 1.25m lower

Internal /Other Consultations: Thames Water - no objection subject to informatives.

Highways no objection, subject to condition

Date of Site Notice: 14 June 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site in question relates to two semi detached properties on the western side of Hillview Gardens. No. 92 has a single storey conservatory to the rear and single storey side extension. The properties are set apart from other rows of houses with an office block to the north some 3m away and the backs of the gardens of properties on the adjacent road to the south, Bell Lane.

Proposal:

The proposal is for a two storey rear extension, new side access gate, new boundary fence with trellis, extension to rear and side dormers and 4 rooflights and conversion in to 5 self contained units.

Extensions

The proposed depth is 4.5m on the ground floor and 3m on the first floor. The single storey element would be 3m high with a flat roof and the first floor would have a crown roof. Approval of similar extensions was granted recently (ref H/00825/12).

The proposal includes rear and side dormers which are clearly set within the roof profile and would not have an adverse impact on the appearance of the two houses.

Conversion

The proposal is for 5 self contained flats (1x3b, 2x2b, 2x1b).

Planning Considerations:

The issues within this application are:

- The impact of the proposed extensions on the appearance of the property and the street scene and the character of the appearance
- The impact of the proposal on the amenities of the neighbouring occupiers
- The amenities provided for future occupiers of the flats
- Highways issues

Appearance of the extensions and character of the area

There are a number of flat conversions and purpose-built flats within the vicinity. The pair of properties are the first in the street and adjoin rear gardens of properties in Bell Lane to the south and an office and college to the north. It is considered that a conversion to flats is appropriate.

The proposed dormer windows are in keeping with council policies and would not detract from the appearance of the property and would be in keeping with the character of the property and neighbouring properties. A part single storey , part two

storey rear extension has been approved recently (ref. H/00825/12).

Impact of the development on the neighbouring occupiers

Given the location of the property it is considered that the provision of 5 flats in a pair of properties is not overdevelopment and the proposal would not create significant or unacceptable noise and disturbance to neighbouring occupiers.

The proposed side dormers would be obscured glazed to offset any overlooking and loss of privacy with respect to the gardens to the rear of Bell Lane. In addition there would be no significant loss of outlook from or light to the neighbouring residential properties which are some distance away from the application site.

Impact on the future occupiers

The flats have been appropriately stacked and the flats are of a generous size. There is adequate amenity space provided. Amenity space is in the form of communal space approx 164 sqm which exceeds Unitary Development Plan amenity space standards of 5sq per habitable room (based on 12 rooms).

Highways

Highways officers raise no objection to this car free development in terms of impact on highways conditions. No parking can be provided on site. A car-free development is considered acceptable given the site's location close to a town centre and local amenities and within walking distance of public transport facilities. The existing properties would have required up to 4 parking spaces and the proposed flats would also require 4 spaces to meet the parking standards set out in the Unitary Development Plan. On balance therefore the proposal is acceptable.

Section 106 Issues

In line with the current adopted supplementary planning documents, the following contributions would necessary as a result of the impacts generated by the development:

- Libraries: £207
- Health: £646
- Monitoring: £42.65

Total £895.65

The development does not include a formal undertaking.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections have been largely addressed in the body of the report:-

Refuse

- potential problem providing refuse facilities as the ground floor/street level is 1.25m lower

A condition has been added with regards to refuse and a suitable facility would need

to be proposed.

- currently property is rented as an HMO and the occupants do not have cars.
The application refers to two single family dwellinghouses which is to be extended and converted into units of acceptable size.

4. EQUALITIES AND DIVERSITY ISSUES

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

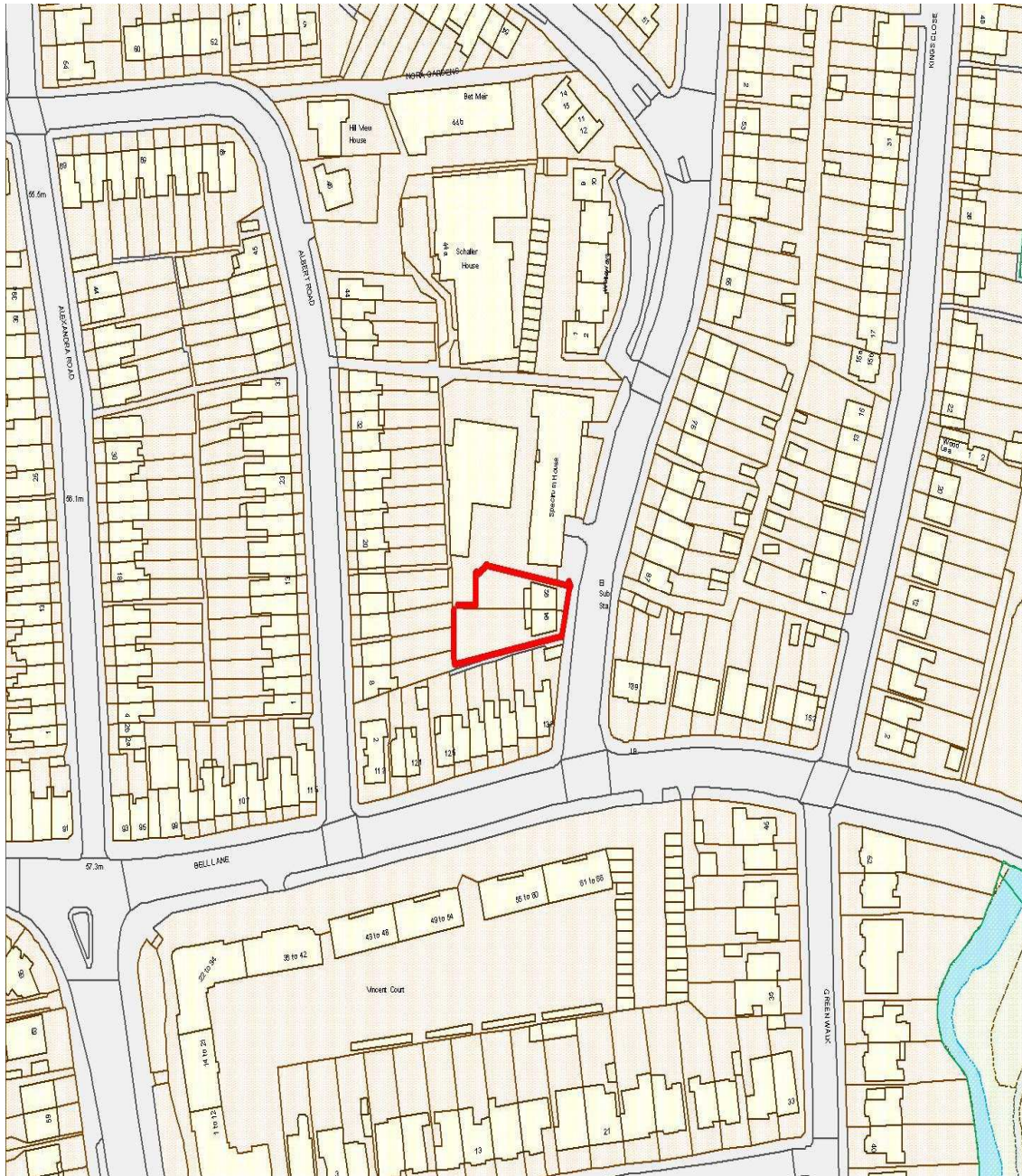
5. CONCLUSION

The proposed development would not detract from the established character of the locality or the appearance of the pair of houses or the streetscene and would have an acceptable impact on the amenities of the neighbouring occupiers and would provide appropriate amenities for the future occupiers of the flats.

Approval is recommended.

SITE LOCATION PLAN: 92-94 Hillview Gardens, London, NW4 2JR

REFERENCE: H/02045/12



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LOCATION: Randall Court, Page Street, London, NW7 2NJ

REFERENCE: H/01502/12

Received: 20 April 2012

Accepted: 23 May 2012

Expiry: 18 July 2012

WARD(S): Mill Hill

Final Revisions:

AGENDA ITEM 14

APPLICANT: Randall Court Residents Assw

PROPOSAL: Installation of electric vehicle gates and pedestrian assess.

RECOMMENDATION: **Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan numbers SDA/Randall/001rev A and Beta/Randall Ct/ 01rev A.and site location plan

Reason:

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

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

Reason:

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

- 3 The siting, design and external appearance of the electronic vehicle gates and pedestrian gates hereby approved shall be implemented in accordance with the details and colour as approved.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality, the flow of traffic and conditions of general safety on the adjacent highway or the enjoyment of occupiers of Randall Court and neighbouring occupiers of their properties.

INFORMATIVE(S):

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local 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 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

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

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

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 , H27, M11, M12 and M13

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

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DAD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF)

(para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5 and CS9.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM04 and DM17.

Relevant Planning History:

Application:	Planning	Number:	W/10237/E/02/TRE
Validated:	28/02/2002	Type:	TPO
Status:	DEC	Date:	09/05/2002
Summary:	APC	Case	Ms A Currell
		Officer:	

Description: 4x Lime - remove epicormic growth, deadwood and stubs; crown lift to statutory height over pavement. Standing in area A15 of TPO.

Site Address:	Copthall, Junction of Page Street and Bunns Lane NW7
Application Number:	W00223A
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	03/10/1968
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	24 flats and garages.
Case Officer:	

Consultations and Views Expressed:

Neighbours Consulted:	75	Replies:	11
Neighbours Wishing To Speak	3		

The 7 letters of objection raised may be summarised as follows:

- *Traffic, access, maintenance and parking*
- *Limited access entrance will cause back up problems on highway and more accidents if the electric gates system fails to work*
- *Noise impact on the flats close to the gates*
- *Will cause major problems for Elderly and Disabled residents in hearing or allow entry*
- *The view of Page Street to the left is invariably obscured by parking vehicles*
- *Incidents of incoming and outgoing vehicles meeting while waiting for the gates to open will exacerbate traffic difficulties caused on Page Street.*
- *accidents will occur in Page Street.*
- *Grounds of safety*
- *Health and safety issues due to the narrow curved one lane entrance to the block and proximity to Page Street which has fast moving traffic obscured by parked vehicles. .*
- *Scale, gates too large in appearance and out character with the area*
- *The exit from Randall Court on to Page Street is very close to a pedestrian crossing on a well used busy road*
- *The fears of illegal parking in the grounds as a result of redevelopment of Saracens RFC Cophall Stadium have no basis, the stadium provides suitable parking spaces for stadium users.*
- *Management issues such as PIN codes, swipe cards, keys etc to open the gates*
- *Main concern is no specifics on how the gates will be constructed*
- *having the gates on 24/7 or on a timer during Rugby matches for weekend will create various people problems*
- *Lack of detail*

The 4 letters of Support may be summarised as follows:

- The gates are necessary for safety, protection deterrent against theft/burglary, unauthorised visitors
- Illegal parking as a result of Saracens Rugby Club 10,000 fans on match days. This used to happen on big events such as fireworks 5 November at the old stadium
- Vandalism to garages at Randall Court, break - ins and damage to vehicles
- Several unauthorised persons using the private gardens for public purposes, for example fly tipping in refuse bins,
- As a turn around for various vehicles
- Meeting point for youths ,and spoking behind the garages etc
- Prevent unauthorised mail being delivered
- The local Mill Hill Police said the gates will be an added protection for safety purposes
- Nearly every block of flats in the locality have electronic gates installed.
- The electronic gates would add value and security.
- No doubt the Premiership Rugby Club with regular attendances of more than 10,000 will significantly change the traffic and parking in the immediate vicinity
- One way to limit the personal damage to people living in Randall Court will be to

install the electronic gates to keep the fans out and prevent fans from parking in Randall Court.

Internal /Other Consultations:

Highways officers were consulted and raised no objection.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The proposal site is known as "Randall Court" a three storey block of flats (No 1 - 24) with a court yard and parking areas to the rear of the block of flats situated on the western side of Page Street. The area is predominantly residential in character.

Proposal:

The application seeks permission for the installation of electrically operated vehicle and pedestrian gates on the access in to Randall Court.

The proposed electronic gates would be 3.98m wide, 1.8m in height and sited more than 10m from the highway boundary with Page Street.

There would be two gates, each gate would be 1.73 m wide .

The pedestrian gate would be 0.9m wide and 1.8m in height.

The door entry unit would be 0.29m wide and 1.8m in height.

The width of the vehicular access and pedestrian footpath is 5.47m

Planning Considerations:

Policy context

The main issues in this case are considered to be covered under three main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the host property, the area and street scene, having regard to the size , design and siting of the proposal.
- *Whether the proposed installation of electronic gates would have an acceptable impact on highway safety*

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 of the Unitary Development Plan (2006) requires new development

to safeguard outlook and light of neighbouring residential occupiers

Policy ENV 13 requires new developments to minimise the effect of noise through design, layout, landscaping and insulation will only be considered

Policy M11 - (Safety of Road Users) states that the Council will ensure that the safety of road users is taken fully in to account when considering development proposals.

Policy M12 - (Safety of Road Network) seeks to reduce accidents by refusing development proposal that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.

Policy M13 - States that developers are expected to provide safe and suitable access for all road users including pedestrians.

Policy DM01 of the Development Management Policies (Adoption version) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 sets out the design standards for new development.

Policy DM04 states that proposals that are likely to generate unacceptable noise levels will not normally be permitted. Mitigation of noise impact through design, layout and insulation will be expected.

Impact on living conditions of neighbouring residents

Given the size, height, design, siting and relationship with the host property "Randall Court" and adjacent neighbouring property No.145 Page Road, it is considered that there would be no appreciable adverse impact on the living conditions and amenity of the occupiers of either Randall Court or the adjacent neighbours residential amenity. The gates would be forward of the windows to flats on the flank of Randall Court. The adjoining property, 145 Page Street is at a higher level and the position of the gates is largely screened from that property by boundary screening. It is considered that any noise arising from use of the gates would not be such as to cause significant harm to residential amenity.

Although a number of residents object to the gates, some are in support, citing the advantages from restricting access to their parking area and the rear of the flats.

Impact on character and appearance of property and wider locality

The gates would be set well back from the boundary of the property with Page Street and behind the main front elevation of Randall Court. Randall Court is at a lower level than the property, 145 Page Street to the north and the boundary between the two is well screened. Given this, it is considered that the gates will not be obtrusive within the streetscene and can be accommodated without causing harm to the

appearance of the property or the character and appearance of the streetscene.

Whether the proposed installation of electronic gates would have an acceptable impact on highway safety

The proposal is for the installation of electrically operated vehicle gates and pedestrian gates on the access in to Randall Court.

Some of the occupiers in Randall Court raised concerns about highway safety and accidents on Page Street, given poor entry/exist from the site on to the main road - they consider the access to Page Street to be unsafe as the access has a blind spot as a result of packed vehicles on the left side of Page Street. However the access itself already exists and is used by residents. The access gates would be set well back from the highway boundary and highways officers have no objection to the proposals.

It is considered that the proposal would not have a detrimental impact on highway safety or traffic congestion.

It is considered that the development would not adversely affect the residential amenity of the occupiers of Randall Court or impact on highway and traffic conditions as the Council's Highways officer considered that the position of the gates is in an acceptable location that will not create traffic issues on the adjacent Page Street.

The proposals would comply with the aforementioned policies and installation of the gates would have an acceptable impact highway safety, on the character and appearance of the streetscene, site property, general locality and the residential amenity of occupiers of Randall Court and neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections and support are addressed in the report .

4. EQUALITIES AND DIVERSITY ISSUES

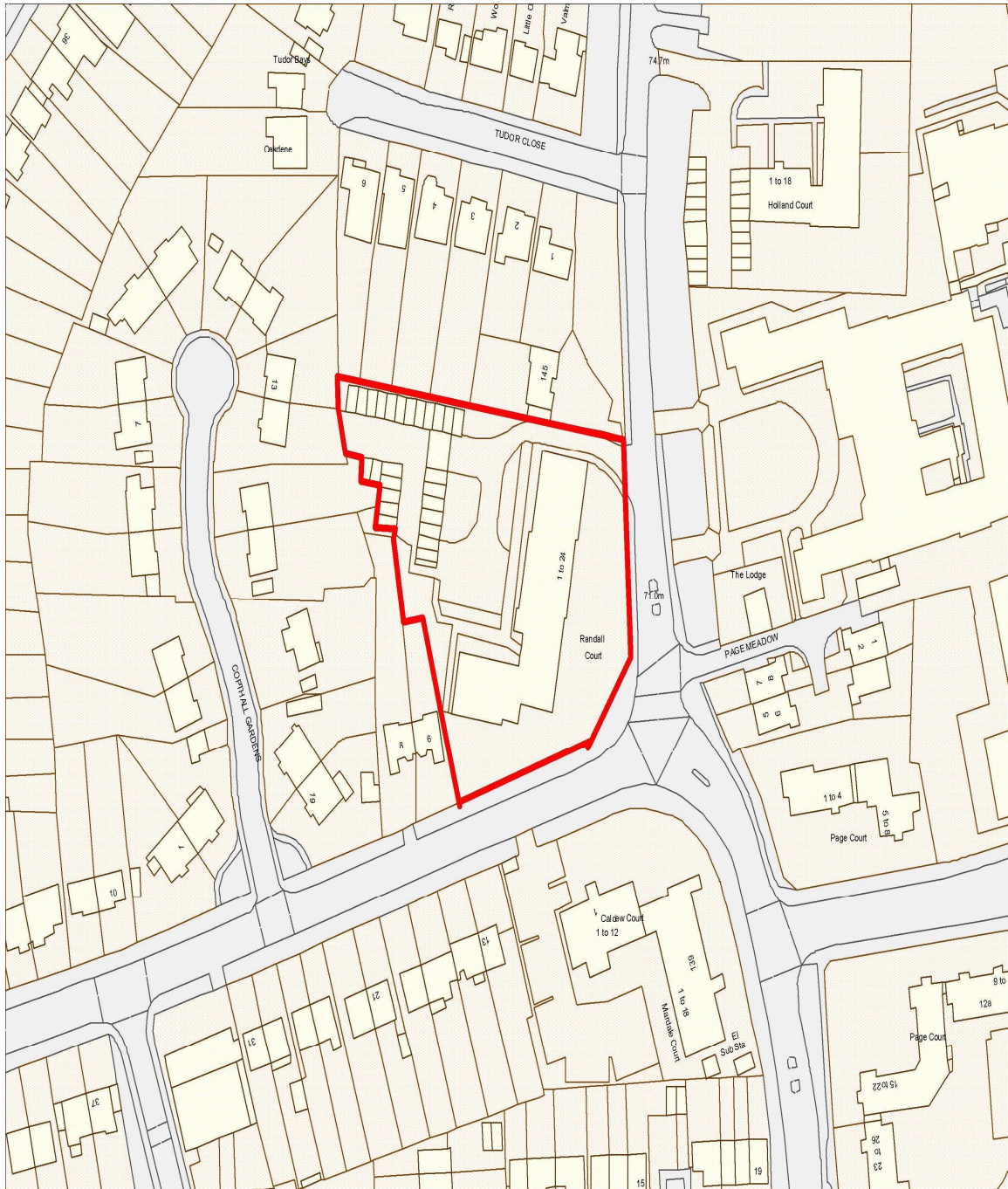
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed installation of the electronically operated gates complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of the occupiers of Randall Court, the neighbouring occupiers, the adjacent highways and the street scene. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: Randall Court, Page Street, London, NW7 2NJ

REFERENCE: H/01502/12



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