

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

TUESDAY 2ND JULY, 2013

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

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

Andrew Nathan – Head of Governance

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

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Public Question Time	
5.	Members' Item	
6.	Applications for Planning Permission and Consent under the Advertisements Regulations	
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12.	Any other items that the Chairman decides are Urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

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LOCATION: 39-41 Neeld Crescent, London, NW4 3RP

AGENDA ITEM 7

REFERENCE: H/00538/13

Received: 07 February 2013

Accepted: 13 March 2013

WARD(S): West Hendon

Expiry: 08 May 2013

Final Revisions:

APPLICANT: Mr D Davila

PROPOSAL: Conversion of property into 5no self-contained residential units with two storey rear extension, roof extension including 1no dormer to both sides, 2no rear dormers and 1no front dormer to facilitate a loft conversion to both semi detached properties. Alterations to front fenestration (Amended Description and Plans).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; 91/10; 91/203A; 91/200B.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 91/203A 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 in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

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

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 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 in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 8 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 in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

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

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS4, CS5, CS6, CS10, CS11.

Development Management Policies (Adopted) 2012: DM01, DM02, DM12, DM13, 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 Local Plan policies and guidance 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.

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

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

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

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

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

Further details and the application form can be downloaded from:

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

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

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

- 3 If the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

1. MATERIAL CONSIDERATIONS

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 Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS4, CS5, CS6, CS10, CS11.

Relevant Development Management DPD (2012) Policies: DM01, DM02, DM12, DM13, DM17.

Supplementary Planning Documents and Guidance

The Council adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

Residential Design Guidance (2013)
Sustainable Design and Construction (2013)

Relevant Planning History:

Site history for current landparcel :

139885 - 39-41 Neeld Crescent, London, NW4 3RP

Case Reference: **H/00538/13**

Application:	Planning	Number:	H/00443/09
Validated:	11/02/2009	Type:	APF
Status:	DEC	Date:	08/04/2009
Summary:	APC	Case Officer:	Matthew Corcoran
Description:	Demolition of existing two houses. Proposed new part single, part two storey building with rooms in roof space, associated landscaping and car parking, to provide 5 no. self contained units.		
Application:	Planning	Number:	H/00897/08
Validated:	22/05/2008	Type:	APO
Status:	WDN	Date:	31/07/2008
Summary:	WIT	Case Officer:	Heidi Euzger
Description:	Demolition of existing two houses. Proposed new two storey building with rooms in roof space and associated basement car park to provide 7 No. self contained units.		
Application:	Planning	Number:	H/02814/12
Validated:	01/08/2012	Type:	APF
Status:	DEC	Date:	23/10/2012
Summary:	REF	Case Officer:	Graham Robinson
Description:	Two storey rear extension and roof extension involving two rear dormer windows to both properties and conversion of no.39 into 6no self-contained residential units.		
Application:	Planning	Number:	H/04794/08
Validated:	16/12/2008	Type:	APF
Status:	WDN	Date:	12/02/2009
Summary:	WIT	Case Officer:	Matthew Corcoran
Description:	Demolition of existing two houses. Proposed new two storey building with rooms in roof space, associated landscaping and car parking, to provide 5 no. self contained units. (AMENDED DESCRIPTION)		
Application:	Planning	Number:	W11027A/04
Validated:	13/08/2004	Type:	APF
Status:	WDN	Date:	28/09/2004
Summary:	WIT	Case Officer:	
Description:	Conversion of existing property into 3no. flats.		
Application:	Planning	Number:	W11027B/04
Validated:	18/10/2004	Type:	APF
Status:	DEC	Date:	13/12/2004
Summary:	APC	Case Officer:	
Description:	Conversion of existing property into 2no. flats.		

Consultations and Views Expressed:

Neighbours Consulted: 58 Replies: 6 (1 petition 40 signatures).
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

- 7 units capable of housing 10 Or 12 inhabitants is excessive for a property of this size.
- More units than the previous application which was refused.
- Pressure on services.
- Studio flats are wholly inappropriate in a street that principally comprises family housing or homes for couples. Attracts short term tenants rather than owners, who have no interest in the standards of the street.
- Provision of refuse/recycling bins should be contained within a brick built structure to stop overflow into street.
- Insufficient space for proper off-street parking of seven cars, no room on Neeld Crescent or surrounding for further on street parking. Streets are already over-parked.
- No plans to illustrate how refuse and parking will be properly accommodated.
- Loss of privacy.
- Out of keeping and additional bulk.
- No front dormers in road.
- Loss of light.
- Unsuitable access.
- Noise and disturbance.
- Inadequate conservation.
- Increased rubbish.
- Sheer size is unacceptable.
- Roof bulk should not be increased.
- Roof height should not be allowed to be elevated.
- Noise, dust and pollution will effect eczema and asthma.
-

Internal /Other Consultations:

Date of Site Notice: 21 March 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a pair of semi detached properties located on the east side of Neeld Crescent. The area is predominantly residential in character consisting of mixture of flatted developments, single family houses and properties converted into several flats.

Proposal:

The application is for the conversion of two existing buildings into 5 self contained flats with associated landscaping and car parking.

There would be 2no. 2 bedroom flats on the ground floor, 2no. 2 bedroom flats on the first floor and 1no. 2 bedroom flat on the second floor.

The proposal has been amended since initial submission reducing the number of proposed units from 7 to 5.

Planning Considerations:

Council Policy requires that new residential schemes should have high quality design and in terms of scale, style and layout, be well integrated with existing patterns of development. Residential proposals which are of poor design, are out of scale or character with the surrounding area or are detrimental to the amenity of neighbouring occupiers, will be refused.

Principle

The proposal was previously granted consent in 2009 under application reference H/00443/09 for the demolition of existing two houses, proposed new part single, part two storey building with rooms in roof space, associated landscaping and car parking, to provide 5 no. self contained units. The current proposal is largely the same but does not seek to demolish and rebuild the property but rather seeks to extend and convert the existing dwellings.

Neeld Crescent is predominantly residential in character consisting of properties in variety of styles and designs. There are a number of flatted developments and properties which have been converted in to several flats. Given the immediate character of the area and the previous approval on this site it is considered the principle of flatted development in this location would be considered acceptable.

Size, Bulk and Massing

The extended building would be two storeys in height with accommodation in the roof, incorporating 2 dormer windows at rear, 2 dormer windows on each flank elevation and a dormer window at front including 2 velux roof lights. The footprint of the proposed building at ground is almost identical to the existing footprint, with the only difference being an increase of an infill at the rear to square the building off. The proposed first floor also replicates the footprint of the existing houses. The staggered building line at the rear would result in a satisfactory relationship with the neighbouring properties as the proposed first floor element would be set 3m and 3.6m off the boundaries with no's 37 and 43 Neeld Crescent respectively.

Design

The proposed extensions and alterations to fenestration have been designed in a

traditional architectural manner aiming to fit in with the character of the immediate properties which are semi detached family houses. However, it is also noted that on the opposite side of the road are two large flatted developments and as such the proposal which has one main entrance point which is more common to a flatted development than single family dwellings would not appear out of keeping. The elevations would be brick and render treated with double bay window features on the front facade. A central front porch would be the main entrance into the building.

The proposal involves the provision of a front dormer window. Given the variety of roof slopes in the immediate area, notably at Berkeley Court and Audley Park buildings opposite the application site, and the size of the front dormer proposed, it is considered that the front dormer window would not be out of character with the existing streetscene.

Neighbouring Amenity

Given the size, siting, height and design of the proposed extensions in comparison to the existing buildings, it is not considered that the proposal would result in any undue loss of day or sun light, outlook or increase in sense of enclosure to the detriment of adjoining neighbouring residents.

Windows are proposed both at ground and first floor flank elevations. Given there are no windows existing on neighbouring flank elevations there would be no undue loss of privacy resulting from these windows.

The proposed dormer windows are sensitively designed and appear subordinate within the roof profile. The existing property at no.39 Neeld Crescent has previously been extended by large extensions including large rear dormer windows. In comparison the proposed dormer windows are smaller than that of existing dormers and therefore these dormers are not considered to result in any significant level of overlooking that would lead to a loss of privacy to adjoining neighbouring properties.

Communal amenity space would be provided at the rear which is considered to be sufficient for the use of future occupiers of the 5 units.

There are some trees within the application site however, these are not protected under Tree Preservation Order. Nevertheless, landscaping conditions have been attached to the permission to ensure that the proposed development attains an acceptable impact on the character of the area and within the streetscene.

Highway Issues

The proposal would provide 4 car parking spaces. The location of the site is within relatively close proximity to Hendon Central Town Centre. Previous application H/00897/09 raised no objection from the Council's Highway Group. An informative is proposed to remind the developer that the costs of altering and improving the highway would need to be met by the applicant. Given the number of spaces provided and the location of the site, the proposal is considered not to lead to conditions that would be prejudicial to highway or pedestrian safety.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The proposal has been significantly amended since the initial submission reducing the number of units proposed from 7 to 5. This is considered to overcome some of the objections.

All other planning related matters are covered in the above 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, this proposal complies with the Adopted Barnet Local Plan policies and guidance 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: 39-41 Neeld Crescent, London, NW4 3RP

REFERENCE: H/00538/13



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LOCATION: R/O 698 Finchley Road, London, NW11 7NE

REFERENCE: F/01413/13

Received: 09 April 2013

Accepted: 17 April 2013

Expiry: 12 June 2013

WARD(S): Garden Suburb

Final Revisions:

APPLICANT: Walnut Investments Group Limited

PROPOSAL: Erection of a four storey building comprising 9no. self-contained residential units, including 2no car parking spaces, refuse area and cycle storage.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: P-100, P-101, P-200, Design and Access Statement dated April 2013, Arboricultural Report and Method Statement dated March 2013.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

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

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 5 Before the development hereby permitted is brought into use or occupied the

site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 8 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 9 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 10 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 Prior to the commencement of development a scheme for foul water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the approved flats.

Reason:

To ensure adequate foul water drainage at the site.

- 11 No development shall take place until a 'Demolition & 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 and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 12 Prior to the commencement of development a scheme for surface water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the approved flats.

Reason:

To ensure adequate surface water drainage at the site.

- 12 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

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

- 14 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 DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 15 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 16 Before the development hereby permitted is occupied the parking spaces shown on Plan P-100 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 in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

17 Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
 - a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

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

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

- 18 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage of the development from a point 2.4m in from the highway boundary for a distance of 2.4m on both sides of the vehicular access.

Reason:

In the interests of highway 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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012:CS NPPF, CS 1, CS 4, CS 5

Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM06, DM08, DM10, 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 Local Plan policies and guidance 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 or on highway safety.

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

- iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £20447 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £78867 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing 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 provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF, CS 1, CS 4, CS 5

Development Management Policies DPD (Adopted) 2012: DM01, DM02, DM04, DM06, DM08, DM10, DM17

Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD Adopted (2013)

Planning Obligations SPD (Adopted) 2013

Relevant Planning History:

Site Address:	Land rear of 698 Finchley Road, London, NW11 7NE
Application Number:	F/00147/11
Application Type:	Outline Application
Decision:	Refuse
Decision Date:	11/21/2011
Appeal Decision:	Allow subject to conditions
Appeal Decision Date:	11/21/2011
Proposal:	Erection of a four-storey building comprising 10 self-contained units with 2 car parking spaces and cycle storage. (OUTLINE - Access, Layout and Scale)
Case Officer:	Fabien Gaudin

Site Address:	Land rear of 698 Finchley Road, London, NW11 7NE
Application Number:	F/00869/12
Application Type:	Details Application
Decision:	Approve with conditions
Decision Date:	05/10/2012
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists

Proposal: Reserved matters application seeking approval for i) Appearance and Landscaping pursuant to Appeal decision reference APP/N0590/A/11/2157809 dated 21/11/2011.

Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 137 Replies: 339 letters received including 337 objections
Neighbours Wishing To Speak 3

A petition objecting to the scheme with 452 signatures was also received.

The objections raised may be summarised as follows:

- lack of cycle parking
- proposed trees could undermine the wall and cause nuisance to the walkway of the church
- the wall is of poor quality and should be well maintained by any owner
- lack of parking/impact on parking
- should be a restriction that no further access is granted from Hoop Lane as it would increase traffic issues
- bin storage detail is unclear
- cycle storage access is unclear
- could be conflict between cyclists, pedestrians and vehicles with regard to the lane to the rear of the site
- overlooking of church
- loss of light to church
- church will suffer from noise during and after construction of the flats
- out of keeping with the environment as it is next to a cemetery, crematorium and conservation area
- excessive height of new building and building is not sympathetic to the character of the area
- musical tradition of the church could prejudice future residents including their use of the balconies
- density
- too close to the church
- no affordable provision
- residents would disrupt services
- the building will make church yard an intimidating space
- loss of protected trees
- traffic and access
- impact on listed building
- subsidence

External consultees

Thames Water - objection regarding drainage

Date of Site Notice: 02 May 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site lies close to the junction of Finchley Road and Hoop Lane. It is adjacent to St Edward the Confessor which is a locally listed building. The site is very prominent in the streetscene and glimpses of the site can be seen from a significant distance on Golders Green Road and Hoop Lane because of the adjacent cemetery. Hoop Lane is one of the main access roads to Hampstead Garden Suburb along Finchley Road and although the site is not within the conservation area its prominent position along Hoop Lane gives additional importance to its external appearance.

Proposal:

Outline permission was granted by the Planning Inspectorate in 2006. Matters of siting, access and design were approved then with matters of external appearance and landscaping being reserved. It should also be noted that ref: F/00147/11 gained outline planning permission (access, layout and scale) at appeal for the erection of a four storey building comprising 10 self contained units with 2 car parking spaces and cycle storage. The building proposed in the 2011 scheme is very similar to that which is proposed in the current application.

The current application differs from the 2011 approval because it is only for 9 flats (2 x 1 bedroom, 6 x 2 bedroom, 1 x 3 bedroom) and includes the provision of balconies and a roof terrace. The current scheme also includes minor fenestration changes and makes provision for 2 car parking spaces. The current proposal would also be larger than the previous approval, albeit not by much, and would be approximately 0.48m greater in height. It should be drawn to the attention of councillors that there have been amendments resulting in the removal of some of the balconies and one of the roof terraces since the .

Planning Considerations:

Principle of the proposal

Given that approval was granted at appeal for a very similar scheme under ref: F/00147/11 it is considered that the principle of residential flats at the site has already been established. Furthermore, the 2011 scheme, which was for 10 flats, was more intensive than the current proposal which is only for 9 flats. It should also be noted that given the established principle it is not considered reasonable to refuse the application because of possible noise disturbance from the church on the flats or from the flats on the church.

Design & Historic Environment

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Given that the proposal is very similar in appearance to the 2011 approval it is deemed that the design of the application has already been established at appeal. The current proposal includes minor external changes such as the installation of balconies and alterations to windows, all of which are considered sympathetic to the design of the building already approved. Furthermore, the relatively minor changes to the approved scheme are not considered to detract from the setting of the listed 'St Edward the Confessor Church' to the north of the site.

Although the current proposal would be greater in height than the approved scheme it is still considered to be sympathetic to the scale of neighbouring buildings as it would be lower in height than the building to the south west of the site.

Amenity

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The only significant change to the 2011 scheme in terms of amenity is the creation of balconies/roof terraces on the first, second and third floors. Amendments have been made to the application which have resulted in the removal of the balconies and roof terrace nearest to the residential development along Finchley Road. The other balconies are considered acceptable in terms of amenity because they are either separated from dwellings by Hoop Lane or face the church.

The proposal is not considered to have a detrimental impact on the church in terms of overlooking and loss of sun light given that the church is not a residential building.

A planning condition will ensure that construction is limited to daytime hours to reduce the impact of building works on local residents.

It should be noted that the current proposal would be situated at a similar distance from the church as the approved scheme, and although the current scheme is approx 0.48m higher, and so there would be no significantly greater impact on the church or church yard with regard to overdominance.

Trees

The site is an area of land fronting onto Hoop Lane (to the south) adjacent to the Jews' Cemetery (to the east). It is bounded by 698 Finchley Road to the west and St Edwards Church to the north.

On the Hoop Lane frontage, located within the public footpath, are two mature London Planes. These trees are part of an avenue of mature London Planes, approx. 20m in height, which border Hoop Lane. It appears that Planes were originally planted along both sides of the road from the junction with Finchley Road to Meadway Gate, in front of Golders Green Crematorium and the Jews' Cemetery. The Planes are very clearly visible from Hoop Lane and Finchley Road, are of considerable size and prominence in the streetscene, and are of significant public

amenity value.

The Planes are included in a Tree Preservation Order (internal reference TPO/CA/398).

Whilst concerns have previously been expressed about the impact of any proposal on these trees it is considered that as the size of the proposed building is very similar to that already approved that impact on trees is not a reason for refusal. The proposed front balconies have been removed from the current scheme to ensure that they do not impact on the crowns of these street trees.

Planning conditions will ensure that existing trees are protected and conditions will also ensure that proposed landscaping is well maintained and does not cause a nuisance with regard to highway safety.

Sustainability

The adopted Sustainable Design and Construction SPD (2013) outlines the requirement for all minor residential schemes to be built to level three of the Code for Sustainable Homes.

A planning condition will ensure that the flats are constructed to Code Level 3.

Affordable Housing

Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites, providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The proposal is for less than 10 units and the site area is less than 0.4 hectares and so an affordable housing contribution is not required.

Parking

The proposal includes the provision of 2 car parking spaces which is insufficient when compared against the parking standards in policy DM17 which states that there is a requirement for '1 to less than 1 space per unit for development consisting mainly of flats'.

However the following should be considered:

- The site is located within a walking distance of a town centre amenities
- The site is within a controlled parking zone
- The site is in a good public transport accessibility area near bus routes and Golders Green Underground Station

Furthermore, given that the site already has approval for 10 flats it is not considered reasonable to refuse the application on parking grounds.

Drainage

A planning condition will ensure that adequate surface and foul water drainage is provided at the site to address Thames Water's comments.

Financial Contributions

The applicant is eligible to make financial contributions to both the Mayoril and Barnet CIL. The former has a rate of £35 per m2 whilst the rate for the latter is £135 per m2.

Other Issues

The scheme includes the provision of 5 Sheffield Cycle Stands which would provide cycle parking for 10 bicycles and so would be in accordance with the minimum standards of The London Plan which requires one space per unit.

A planning condition will ensure adequate bin storage.

Problems surrounding maintenance of boundary walls are a civil issue.

It is not reasonable to restrict any further access from Hoop lane and any new applications for development will be assessed on their own merits with regard to highway safety.

Given the relatively small number of residents who will occupy the flats it is not considered that there would be excessive pedestrian and cycle traffic movements in the area.

Access to the site is not an obstacle to development as the site history mentioned above illustrates.

Issues surrounding subsidence would be dealt with at the building control stage.

The application site is less than 0.4 hectares in area and is only for 9 flats and so an affordable housing contribution is not required.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Covered in 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, this proposal complies with the Adopted Barnet Local Plan policies and guidance 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 or on highway safety. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: R/O 698 Finchley Road, London, NW11 7NE

REFERENCE: F/01413/13



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LOCATION: Tudor Cottage, 64 Marsh Lane, London, NW7 4NT
REFERENCE: H/01678/13

Received: 29 April 2013 **AGENDA ITEM 9**

Accepted: 29 April 2013

WARD: Mill Hill

Expiry: 24 June 2013

Final Revisions:

APPLICANT: Mr Davis

PROPOSAL: Variation of condition No.1 (Approved Plans), pursuant to planning permission reference H/02966/11 dated 08/11/2011 for: 'Erection of two new four-bedroom detached dwellings with rooms in the roof space and basements in the grounds of an existing detached dwelling accessed from Austell Gardens'. Variation to include: Repositioning of front entrance door, alterations to front gable. First floor rear infill extension and alterations to internal layout (House 1).

Approve Subject to S106

Subject to a Section 106 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 to vary the Unilateral Undertaking that accompanied the original application H/02966/11 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) £11,949.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,016.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £710.45**
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/01678/13 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, P/01, P/02 Revision A, P/06 Revision A, P/07 Revision A, P/07.1, P/08 Revision A, P/09, P/10 Revision A, P/11, P/12 Revision A, P/13 Revision A, P/14 Revision A, P/11A House 1 Section, P/11A House 2 Section, Unilateral Undertaking dated 24/10/11.

Reason:

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

- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Before the development hereby permitted is occupied the parking spaces/garages shown on Plans P/06 Revision A and P/08 Revision 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.
- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Austell Gardens 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.
- 5 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.
- 6 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To safeguard the visual amenities of the locality.
- 7 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
Reason:
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 8 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:

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

- 9 Before the building hereby permitted is occupied the proposed window(s) in the south-west and north-east first floor elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

- 11 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. The scheme shall include substantial mature trees to the rear boundary of the site.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the application red-line site currently known as Tudor Cottage, 64 Marsh Lane hereby approved without the prior written permission of the local planning authority.

Reason:

- To safeguard the amenities of neighbouring occupiers and the general locality.
- 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 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.
- 18 No development shall take place until a 'Demolition & 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 and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.
- Reason:
In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS5, CS9, CS10, CS15

Development Management Policies (Adopted) 2012: DM01, DM02, DM17

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

amendments are considered to have an acceptable impact on the character and appearance of the locality, streetscene and on neighbouring amenity.

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

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

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

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

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

Further details and the application form can be downloaded from:

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

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

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

- 3 If the development is carried out, it will be necessary for vehicular crossovers to be constructed over the verge by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

The applicant is advised that any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works.

Refuse collection points should be located within 10 metres of the Public Highway, otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to

the Cleansing Department.

- 4 The additional information accompanying this application are:- Phase II Arboricultural Impact Assessment, Planning Statement, Sustainability Statement.
- 5 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.

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hb, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

- 6 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £525 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £2,025 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing 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 provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

RECOMMENDATION III

That if an agreement has not been completed by 02/10/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/01678/13 under delegated powers for the following reason:

The development does not include a formal undertaking to meet the educational, libraries and health costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations (adopted May 2013) and Policies CS10 – Enabling inclusive and integrated community facilities and uses CS11 – Improving health and wellbeing CS15 – Delivering the core strategy of the Local Plan Core Strategy and Development Management Policies DPD (both adopted September 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 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". The NPPF retains a 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 and is recognised in the NPPF as part of the development plan.

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's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS10, CS11, CS15.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM17

Supplementary Planning Documents and Guidance

The Council has Adopted Supplementary planning documents on Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013). These are now material considerations.

Relevant Planning History:

Site Address:	Tudor Cottage, 64 Marsh Lane, London, NW7 4NT
Application Number:	H/02966/11
Application Type:	Full Application
Decision:	Migrated Code
Decision Date:	08/11/2011
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Erection of two new four-bedroom detached dwellings with rooms in the roof space and basements in the grounds of an existing detached dwelling accessed from Austell Gardens.
Case Officer:	Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 49 Replies: 21
Neighbours Wishing To Speak 0

A joint letter with 21 signatories has been signed objecting to the development.

The objections raised may be summarised as follows:

- As you will appreciate, `The Utilities and Services` in Austell Gardens have come about over the decades in an ad hoc manner (as with elsewhere)... being updated or installed as and when an additional `build ` has taken place.
- The drains in particular have been an ongoing issue, and at this very moment are being investigated and treated. We collectively are extremely concerned how the utilities of the proposed new homes would impact on an already vulnerable system. Gas, electric, BT, drains, and water.
- From a practical , health and safety aspect, we are seriously disturbed that residents would be blocked from access into Austell Gardens (being a cul de sac) at regular intervals and over a long period of time by the continuing delivery of equipment and building materials via heavily built transport.
- The road entrance width to Austell Gardens measures across approx.388 cm (12 ¾" ft). Half way down measurements reduce to 310 cm (10ft) At the site entrance width is 437 cm (14 ½" ft).
- By any standards this is a narrow street.
- Moreover, our obvious concern is that it would be impossible for the proposed house build to take place in such a small cul-de-sac without damage and erosion being made to the existing road and verges.
- These additional new houses do not bring any purpose, gain or enhancement to existing dwellings or street scene, and we strongly request that responsibility and obligation of restoring the road on completion of building works should be agreed and made a mandatory clause of any permission given. It cannot be for the already existing residents of Austell Gardens to be left with a road potholed and in a state of deterioration through no fault of their own.
- Scale of development is detrimental to the character and appearance of the streetscene.
- Increase in traffic
- Disruption during construction
- Loss of trees

Internal /Other Consultations:

N/A

Date of Site Notice: 23 May 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site for the proposed dwellings forms part of Tudor Cottage's existing rear garden. The site is bounded by Austell Gardens to the south-east, Gable End to the north-east, Chilterns (60 Marsh Lane) to the north west, and Brantwood House to the south-west.

This part of the garden is largely open and overgrown. The south-east has significant screening and hedges to the boundary.

The area is characterised by detached single family dwellings. These include smaller more closely spaced properties to the immediate south-west, and larger dwellings on larger plots to the north-east.

Proposal:

The proposals are for a material minor amendment to planning application reference H/02966/11 for the erection of two houses at Tudor Cottage.

The proposals seek planning permission under section 73 for the following changes to the approved scheme for house 1. (Easternmost House)

- Amendment to design of the house to provide a re-designed front gable and siting of front door.
- There is a rear infill extension to the rear of the house over the flat roof to the kitchen. This is no higher than the approved building, it is deeper though still within the envelope of the main house.

Planning Considerations:

Impact on neighbouring amenity.

House 1 is on the side nearest Tudor Cottage itself. The extension is on the side nearest house 2 so is unlikely to significantly impact the amenities the owners of Tudor Cottage enjoy from the use of their garden.

It is also unlikely that the proposals would harm the amenities of house no.2, given that the rear building line is similar to that of house no.1 and the extension would not extend any further rearwards beyond this.

It is not considered that the proposals would result in a harmful impact in terms of loss of light, privacy or outlook

Impact on the character and appearance of the area

The proposed rear extension would have a subordinate roof lower than the main roof of the property. The proposed alterations to front entrance and gable are proportionate and in keeping with the appearance of the proposed dwelling. The changes are not considered to have a harmful impact on the appearance of the streetscene and general locality.

Section 106 Issues

The original approval was subject to a unilateral undertaking to provide education, libraries and health costs. A undertaking to replace the original agreement is required and is sought to ensure that these are provided. The new additional floorspace is CiL liable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in the main report.

The drains in particular have been an ongoing issue, and at this very moment are being investigated and treated. We collectively are extremely concerned how the utilities of the proposed new homes would impact on an already vulnerable system. Gas, electric, BT, drains, and water. - *The proposals are only for an amendment to the approved planning application which was considered acceptable in this regard. The current proposals are only for extensions and alterations to the approved scheme reference H/02966/11 which could still be implemented.*

From a practical, health and safety aspect, we are seriously disturbed that residents would be blocked from access into Austell Gardens (being a cul de sac) at regular intervals and over a long period of time by the continuing delivery of equipment and building materials via heavily built transport. - A construction management plan is suggested as a condition to ensure that disruption during construction is minimised. It should be noted that planning permission has already been granted for a similar development previously and this is a matter between the developer and owners of the highway.

These additional new houses do not bring any purpose, gain or enhancement to existing dwellings or street scene, and we strongly request that responsibility and obligation of restoring the road on completion of building works should be agreed and made a mandatory clause of any permission given. It cannot be for the already existing residents of Austell Gardens to be left with a road potholed and in a state of deterioration through no fault of their own. - *The Council is unable to secure this as part of the planning application. Any damage to the public highway can be remedied through the Highway Authority.*

The trees have been assessed under the previous applications, they are not considered of sufficient amenity value to warrant tree preservation order.

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 to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN:
4NT

Tudor Cottage, 64 Marsh Lane, London, NW7

REFERENCE:

H/01678/13



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LOCATION: Tudor Cottage, 64 Marsh Lane, London, NW7 4NT **AGENDA ITEM 10**

REFERENCE: H/01683/13 **Received:** 29 April 2013

Accepted: 10 May 2013

WARD: Mill Hill **Expiry:** 05 July 2013

Final Revisions:

APPLICANT: Mr Davis

PROPOSAL: Variation of condition No.1 (Approved Plans), pursuant to planning permission reference H/02966/11 dated 08/11/2011 for: 'Erection of two new four-bedroom detached dwellings with rooms in the roof space and basements in the grounds of an existing detached dwelling accessed from Austell Gardens'. Variation to include: Repositioning of front entrance door, alterations to front gable. First floor rear infill extension and alterations to internal layout and side fenestration (House 2).

Approve Subject to S106

Subject to a Section 106 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 to vary the Unilateral Undertaking that accompanied the original application H/02966/11 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) £11,949.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,016.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £0.00**
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/01683/13 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, P/01, P/02 Revision C, P/03 Revision C, P/04 Revision B, P/05 Revision C, P/06 Revision C, P/07 Revision C, P/07.1 Revision B, P/08 Revision B, P/09 Revision A, P/10 Revision B, P/11 Revision B, P/12 Revision C, P/13 Revision C, P/14 Revision C, P/15 Revision C, P/11A House 2 Section Revision B, Unilateral Undertaking dated

24/10/11.

Reason:

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

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

Reason:

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

- 3 Before the development hereby permitted is occupied the parking spaces/garages shown on Plans P/06 Revision A and P/08 Revision 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.

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Austell Gardens 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.

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

- 7 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

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

- 8 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by

the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

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

- 9 Before the building hereby permitted is occupied the proposed window(s) in the south-west and north-east first floor elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

- 11 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. The scheme shall include substantial mature trees to the rear boundary of the site.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out

within the application red-line site currently known as Tudor Cottage, 64 Marsh Lane hereby approved without the prior written permission of the local planning authority.

Reason:

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

- 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 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.

- 18 No development shall take place until a 'Demolition & 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 and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS5, CS9, CS10, CS15

Development Management Policies (Adopted) 2012: DM01, DM02, DM17

ii) The proposal is acceptable for the following reason(s): - The proposed amendments are considered to have an acceptable impact on the character and appearance of the locality, streetscene and on neighbouring amenity.

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

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

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

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

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

Further details and the application form can be downloaded from:

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

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

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

- 3 If the development is carried out, it will be necessary for vehicular crossovers to be constructed over the verge by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

The applicant is advised that any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works.

Refuse collection points should be located within 10 metres of the Public Highway, otherwise, unobstructed access needs to be provided to the refuse

vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

- 4 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. With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- 5 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £525 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £2,025 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing 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 provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

RECOMMENDATION III

That if an agreement has not been completed by 02/10/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/01683/13 under delegated powers for the following reason:

The development does not include a formal undertaking to meet the educational, libraries and health costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations (adopted May 2013) and Policies CS10 – Enabling inclusive and integrated community facilities and uses CS11 – Improving health and wellbeing CS15 – Delivering the core strategy of the Local Plan Core Strategy and Development Management Policies DPD (both adopted September 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.

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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". The NPPF retains a 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 and is recognised in the NPPF as part of the development plan.

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's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

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

Relevant Development Management DPD (2012): Policies DM01, DM02, DM17

Supplementary Planning Documents and Guidance

The Council has Adopted Supplementary planning documents on Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013). These are now material considerations.

Relevant Planning History:

Site Address:	Tudor Cottage, 64 Marsh Lane, London, NW7 4NT
Application Number:	H/02966/11
Application Type:	Full Application
Decision:	Migrated Code
Decision Date:	08/11/2011
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Erection of two new four-bedroom detached dwellings with rooms in the roof space and basements in the grounds of an existing detached dwelling accessed from Austell Gardens.
Case Officer:	Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted:	49	Replies:	25
Neighbours Wishing To Speak	0		

A joint letter with 23 signatories has been signed objecting to the development.

The objections raised may be summarised as follows:

- As you will appreciate, `The Utilities and Services` in Austell Gardens have come about over the decades in an ad hoc manner (as with elsewhere)... being updated or installed as and when an additional `build` has taken place.
- The drains in particular have been an ongoing issue, and at this very moment are being investigated and treated. We collectively are extremely concerned how the utilities of the proposed new homes would impact on an already vulnerable system. Gas, electric, BT, drains, and water.
- From a practical , health and safety aspect, we are seriously disturbed that residents would be blocked from access into Austell Gardens (being a cul de sac) at regular intervals and over a long period of time by the continuing delivery of equipment and building materials via heavily built transport.
- The road entrance width to Austell Gardens measures across approx.388 cm (12 ¾" ft). Half way down measurements reduce to 310 cm (10ft) At the site entrance width is 437 cm (14 ½" ft).
- By any standards this is a narrow street.
- Moreover, our obvious concern is that it would be impossible for the proposed house build to take place in such a small cul-de-sac without damage and erosion being made to the existing road and verges.
- These additional new houses do not bring any purpose, gain or enhancement to existing dwellings or street scene, and we strongly request that responsibility and obligation of restoring the road on completion of building works should be agreed and made a mandatory clause of any permission given. It cannot be for the already existing residents of Austell Gardens to be left with a road potholed and in a state of deterioration through no fault of their own.
- Scale of development is detrimental to the character and appearance of the streetscene.
- Increase in traffic
- Disruption during construction
- Loss of trees

Internal /Other Consultations:

N/A

Date of Site Notice: 23 May 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site for the proposed dwellings forms part of Tudor Cottage's existing rear garden. The site is bounded by Austell Gardens to the south-east, Gable End to the north-east, Chilterns (60 Marsh Lane) to the north west, and Brantwood House to the south-west.

This part of the garden is largely open and overgrown. The south-east has significant screening and hedges to the boundary.

The area is characterised by detached single family dwellings. These include smaller more closely spaced properties to the immediate south-west, and larger dwellings on larger plots to the north-east.

Proposal:

The proposals are for a material minor amendment to planning application reference H/02966/11 for the erection of two houses at Tudor Cottage.

The proposals seek planning permission under section 73 for the following changes to the approved scheme for house 2. (Westernmost House)

- Amendment to design of the house to provide a re-designed front gable and siting of front door.
- There is a rear infill extension to the rear of the house over the flat roof to the kitchen. This is no higher than the approved building, it is deeper though still within the envelope of the main house.

Planning Considerations:

Impact on neighbouring amenity.

House 2 is sited on the side nearest House 1 to the east. There is unlikely to be a significant impact on House 1 as the rear wall of the house would not extend any further rearwards than the rear wall of the site property.

The extension is on the side nearest the flank wall of Brantwood House to the west. Brantwood House does have a window in the side of the property but this serves a bathroom and appears to be obscure glazed.

It is not considered that the proposals would result in a harmful impact in terms of loss of light, privacy or outlook

Impact on the character and appearance of the area

The proposed rear extension would have a subordinate roof lower than the main roof of the property. The proposed alterations to front entrance and gable are proportionate and in keeping with the appearance of the proposed dwelling. The changes are not considered to have a harmful impact on the appearance of the streetscene and general locality.

Section 106 Issues

The original approval was subject to a unilateral undertaking to provide education, libraries and health costs. A undertaking to replace the original agreement is required and is sought to ensure that these are provided. The new additional floorspace is CiL liable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in the main report.

The drains in particular have been an ongoing issue, and at this very moment are being investigated and treated. We collectively are extremely concerned how the utilities of the proposed new homes would impact on an already vulnerable system. Gas, electric, BT, drains, and water. - *The proposals are only for an amendment to the approved planning application which was considered acceptable in this regard. The current proposals are only for extensions and alterations to the approved scheme reference H/02966/11 which could still be implemented.*

From a practical, health and safety aspect, we are seriously disturbed that residents would be blocked from access into Austell Gardens (being a cul de sac) at regular intervals and over a long period of time by the continuing delivery of equipment and building materials via heavily built transport. - A construction management plan is suggested as a condition to ensure that disruption during construction is minimised. It should be noted that planning permission has already been granted for a similar development previously and this is a matter between the developer and owners of the highway.

These additional new houses do not bring any purpose, gain or enhancement to existing dwellings or street scene, and we strongly request that responsibility and obligation of restoring the road on completion of building works should be agreed and made a mandatory clause of any permission given. It cannot be for the already existing residents of Austell Gardens to be left with a road potholed and in a state of deterioration through no fault of their own. - *The Council is unable to secure this as part of the planning application. Any damage to public highway can be remedied through the Highway Authority.*

The trees have been assessed under the previous applications, they are not considered of sufficient amenity value to warrant tree preservation order.

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 to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: Tudor Cottage, 64 Marsh Lane, London, NW7 4NT

REFERENCE: H/01683/13



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LOCATION: Land Adjacent Edgwarebury Cemetery, Edgwarebury Lane,
Edgware, Middx, HA8 8QP **AGENDA ITEM 11**

REFERENCE: H/04748/12 **Received:** 18 December 2012

Accepted: 03 January 2013

WARD(S): Edgware **Expiry:** 04 April 2013

Final Revisions:

APPLICANT: North London Cemetery Ltd

PROPOSAL: A hybrid planning permission is submitted for the development of a multi-faith cemetery. Full planning permission is sought for Phase 1 of development comprising associated landscaping, parking, storage and access, and ancillary single storey memorial hall of 294sqm (GIA). Outline planning permission is sought for Phases 2 and 3 of development for use as a cemetery and means of access and landscaping with all other matters reserved.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1080 L001 Rev A, 1080 L002 Rev A, 1080 L003, 1314 008B, 1314 009B, 1314 010, Outline Landscape Management Plan, Design and Access Statement, Tree Constraints Plan, Site Location Plan.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 Details of the following reserved matters for Phases 2 and 3 as set out in the approved Phasing Plan 1314/008 Rev B shall be submitted to and approved in writing by the Local Planning Authority before this phase of the development is implemented:

(a) Appearance

(b) Layout

(c) Scale

Reason: To accord with the provisions of the Town and Country Planning Act (General Development Procedure Order) 1995 and to enable the Local Planning Authority to retain adequate control over the proposed development.

- 3 Application for approval of all the reserved matters referred to in condition 2 shall be made to the Local Planning Authority in writing before the expiration of three years from the date of this permission.

Reason: To comply with section 92(2)(a) of the Town and Country Planning Act 1990.

- 4 Phase 1 of the development must be begun not later than three years from the date of the grant of this permission.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

- 5 Before the development hereby permitted commences, details of the materials to be used for the building 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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 6 Phase 2 and 3 of the development must be begun no later than whichever is the later of the following dates:

(i) the expiration of five years from the date of this decision notice; or,
(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of the Town and Country Planning Act (General Development Procedure Order) 1995 and to enable the Local Planning Authority to retain adequate control over the proposed development.

- 7 Before the development hereby permitted is brought into use the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 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 in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 10 All work comprised in the approved scheme of landscaping for Phase 1 shall be carried out before the end of the first planting and seeding season

following commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 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 phase 1 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 12 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 in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

- 13 Means of vehicular access/ egress to the development shall be from Edgwarebury Lane only.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (ref: D1.FF0 R1; dated: October 2012; prepared by: Cemetery Development Services) and subsequent calculations, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the first phase of the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Core Strategy policies CS7 (Enhancing and protecting Barnet's open spaces) and CS13 (Ensuring the efficient use of natural resources), DM policies DM01 (Protecting Barnet's character and amenity), DM04 (Environmental considerations) and DM16 (Biodiversity), and the Sustainable Design and Construction SPD.

- 15 The disabled parking spaces shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently

retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 Before the development hereby permitted is brought into use, parking spaces, cycle parking and turning spaces shown on plan number(s) 1314/008 (Rev B) shall be provided and marked out within the site in accordance with the submitted scheme. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 17 No structure including fences or planting exceeding 1.05 metres in height shall be erected to the left or right of the access within the visibility splay when merging from private access on to public highway.

Reason: To preserve sight line and in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 19 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at floor level, otherwise, the development access should be designed and constructed to adoptable standards in order to allow refuse vehicles to access and turn around within the site. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 20 No gravemarkers exceeding an area of 15cm by 20cm shall be positioned on site.

Reason: To safeguard the openness and visual amenities of the green belt, in accordance with policy DM15 of the Development Management Policies 2012.

- 21 Prior to the commencement of the development, a Management Plan shall be submitted and approved by the Local Planning Authority and shall detail:
a) how the development will be implemented in accordance with the proposals and mitigation set out in the ecological surveys

- b) how the landscape and ecology of the site shall be maintained
 - c) how any ecological impacts arising on the implementation of phases 2 and 3 will be addressed, and
 - d) how public access to the site will be provided, managed and maintained
- Reason: To safeguard local ecology and biodiversity and ensure the benefits of public access to the site, in accordance with policies DM15 and DM16 of the Adopted Barnet Development Management Policies 2012.
- 22 Prior to the commencement of the development, a survey must be carried out to establish the presence of slow worms. If found a mitigation strategy shall be submitted to and approved by the Local Planning Authority. The site clearance shall be implemented as approved in the strategy.
- Reason: To safeguard any slow worms (a protected species) which may be present on the site in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.
- 23 Before the development commences, a geophysical survey of the site by the applicant shall be undertaken, aimed to locate substantive prehistoric or Roman settlement or industry, followed if necessary by trial trenching. The consultants report will need to establish the significance of the site and the impact of the proposed development. This report shall be submitted to the local planning authority and Greater London Archaeological Advisory Service for their approval.
- Reason: To safeguard the archaeological record in accordance with development management policy DM06 of the Adopted Barnet Development Management Policy 2012.
- 24 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 development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.
- 25 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.
- Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 26 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 27 A scheme of hard and soft landscaping for phases 2 and 3 including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority within three years of this grant of permission.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting season following the competition of phases 2 and 3, or the competition of the development, whichever is sooner.

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 competition of the 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS7

Relevant Development Management DPD (2012): Policies DM01, DM15, DM16, DM17.

- ii) The proposal is acceptable for the following reason(s): - The proposals would make provision for a new woodland burial cemetery. This would not harm highway or pedestrian safety in accordance with policy DM17 of the Adopted Barnet Development Management Policies 2012. The cemetery would have an acceptable impact on local biodiversity in accordance with policy DM16. The impact of the proposals on the green belt are considered to be justified by very

special circumstances in accordance with policy DM15. The proposals would have an acceptable impact on landscape character in accordance with policy DM01. The proposals would have an acceptable impact on the archaeological record in accordance with policy DM06.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

- 2 If the development is carried out it will be necessary for the existing crossover on the footway to be reinstated by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

- 3 Advice to applicant on surface water condition: In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

b) Confirmation of the critical storm duration.

c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.

e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

- 4 The additional information accompanying this application is: Burial Needs Report, Ecology Report, Flood Risk Assessment, Historic Environment Assessment, Planning statement, Report on Community Engagement, Transport Statement, Tree Report.

- 5 If tree works are required, they should occur between mid-September and November or during April to avoid the bat hibernation and breeding seasons. Cavity features should be inspected by endoscope, either by or under the supervision of a licensed bat ecologist. Works should only proceed if no evidence of bats is discovered

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 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". The NPPF retains a 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 7.4, 7.6, 7.23

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 and is recognised in the NPPF as part of the development plan.

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 Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS7

Relevant Development Management DPD (2012): Policies DM01, DM06, DM15, DM16, DM17.

Mayor of London *An audit of London Burial Provision*. GLA 2011

Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (2013), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out

how sustainable development will be delivered in Barnet. .

Relevant Planning History:

Site Address: Camden Sports & Social Club Edgwarebury Lane EDGWARE Middx
Application Number: W01541E
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 19/12/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use of clubhouse for a nursery school/playgroup for 25 children between the hours of 9.00a.m. and 3.30 p.m. Monday - Friday.**

Case Officer:

Site Address: Land Adjoining Edgware Cemetery Ground Part Edgwarebury Sports Ground, Edgwarebury Lane Edgware Middlesex HA8 8QP
Application Number: W01541F/03
Application Type: Full Application
Decision: Withdrawn
Decision Date: 18/02/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing pavillion and associated buildings and erection of single storey building to be used as a temporary doctors surgery.**

Case Officer:

Site Address: Field 2368 Edgwarebury Lane Edgware
Application Number: W01541
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/06/1968
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **use as sports ground and erection of pavilion and groundsman's house**

Case Officer:

Site Address: Camden Sports Ground Edgwarebury Lane Edgware Middlesex
Application Number: W01541D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/06/1979
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention and continued use of pavilion without compliance with Condition 5 of Permission W1541A/HQ284 dated 22nd October, 1969.**

Case Officer:

Site Address: Field 2368 and part of Field 2800 Edgwarebury Lane Edgware
Application Number: W01541A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 22/10/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Sports Ground to include cricket pitch, football and hockey pitch,**

tennis courts, pavilion and groundsman's dwelling.

Case Officer:

Site Address: east of, south west of Edgware Lane; Clay Lane Edgware
Application Number: W/01429
Application Type: Full Application
Decision: Refuse
Decision Date: 02/10/1968
Appeal Decision: Allow
Appeal Decision Date: 02/10/1968
Proposal: **use as a burial ground with ancillary chapel & mortuary buildings.**
Case Officer:

Site Address: Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP
Application Number: H/02136/11
Application Type: Material Minor Amendment/Vary Condition
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Variation of conditions 2 (Approved Plans), 16 (Details of drainage & surfacing of parking spaces) pursuant to Appeal Decision APP/N5090/A/10/2122850 (of planning application H//04617/08) granted 12/08/10. Amendments to include removal of new car parking spaces.**
Case Officer: Deirdre Jackman

Site Address: Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP
Application Number: H/00896/12
Application Type: Full Application
Decision: Refuse
Decision Date: 08/10/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of portable cabins on site for staff use.**
Case Officer: Cathy Munonyedi

Site Address: Land Adjacent Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP
Application Number: H/04748/12
Application Type: Full Application
Decision: ES Not Required
Decision Date: 07/12/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **A hybrid planning permission is submitted for the development of a multi-faith cemetery. Full planning permission is sought for Phase 1 of development comprising associated landscaping, parking, storage and access, and ancillary single storey memorial hall of 294sqm (GIA). Outline planning permission is sought for Phases 2 and 3 of development for use as a cemetery and means of access and landscaping with all other matters reserved.**
Case Officer: Graham Robinson

Site Address: Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP
Application Number: H/04617/08
Application Type: Full Application
Decision: Refuse
Decision Date: 8/12/2010

Appeal Decision: Allow subject to conditions
Appeal Decision Date: 8/12/2010
Proposal: **The change of use from agricultural land to a cemetery to allow an extension of the existing Edgwarebury Cemetery. Creation of one access point across Clay Lane. Associated landscaping, boundary treatments, internal access arrangements and the re-configuration of the existing car park to provide a further 18 spaces, plus 8 new staff car parking spaces.**
Case Officer: Deirdre Jackman

Consultations and Views Expressed:

Neighbours Consulted: 238 Replies: 38
Neighbours Wishing To Speak 3

The 34 objections raised may be summarised as follows:

- Religious beliefs prohibit living next to a cemetery and will be forced to move.
- Traffic congestion.
- Lack of consultation
- Scale of the proposals - the applicants need to make a profit and 1 burial a day is unlikely to be viable
- The proposals would compromise the natural and rural setting of the area, and its ecological heritage.
- Worried about impact on children
- There is already an existing cemetery nearby and this was refused permission to expand
- Loss of view
- Siting of Access
- Access is narrow, how would emergency vehicles access?
- Is a cemetery needed in Barnet?
- Impact on woodland trees
- Impact on water table
- Disturbance to residents
- Loss of property value

- Loss of security
- Could be used for sports facilities

Two comments were received advising that the additional traffic that the scheme would generate should be considered, and questioning whether there is a need for the cemetery.

Two letters of support was received, one stating that there is a shortage of burial space, the other that the proposals would be of good ecological and landscape quality.

Internal /Other Consultations:

- Environment Agency - Requested amendments to the scheme
- Natural England - The proposal is unlikely to affect any statutorily protected sites or landscapes. The protected species survey has identified that the following European Protected Species may be affected by this application: bats, hazel dormice and great crested newts. Permission could be granted (subject to other constraints). Consider requesting enhancements. Please note Natural England supports the recommendations within the ecology survey, "if tree works are required, they should occur between mid-September and November or during April to avoid the bat hibernation and breeding seasons. Cavity features should be inspected by endoscope, either by or under the supervision of a licensed bat ecologist. Works should only proceed if no evidence of bats is discovered". Advises that as no evidence of dormice have been found on, or in the vicinity of the site, that the application is unlikely to affect the species, through disturbance to individuals, or from damage or destruction of a breeding site or resting place. Accept findings and consider promoting biodiversity enhancements for great crested newts (e.g. creation of new water bodies and suitable terrestrial habitat) in accordance with NPPF and Section 40 of the NERC Act
- Traffic and Development (H) - No objection
- Sport England - Object to the loss of the sports pitch
- English Heritage - Field evaluation is required to establish whether substantive heritage asset(s) of these periods are actually present within the site and, if so, their nature, extent and state of preservation. This would allow the planning authority to reach an informed judgment regarding the impact of proposed development on their significance and, should planning consent be granted, to formulate appropriate conditions to mitigate that impact and better reveal that significance in line with the Local Plan Policy. Evaluation fieldwork should be carried out by a developer appointed archaeological practice before any decision on the planning application is taken. In this case, I recommend a geophysical survey of the site aimed to locate substantive prehistoric or Roman settlement or industry, followed if necessary by trial trenching. The consultant's report will need to establish the significance of the site and the impact of the proposed development.
- Green Spaces (inc Allotments) - No comments received.
- London Wildlife Trust (Barnet Group) - Support the application.

Date of Site Notice: 18 April 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site forms two fields sited on land adjacent to Edgwarebury Cemetery. The site is located on the east side of Edgwarebury Lane.

The site has been previously used as sports pitches but appears not have been used for some time. There was a previous pavilion building and caretakers house that have been demolished for some time.

The site is designated as green belt and a site of archaeological importance. It is also located close to a site of local nature importance.

The site forms an area of approximately 4.2 hectares.

Proposal:

A hybrid planning permission is submitted for the development of a multi-faith cemetery. Full planning permission is sought for Phase 1 of development comprising associated landscaping, parking, storage and access, and ancillary single storey memorial hall of 294sqm (GIA). Outline planning permission is sought for Phases 2 and 3 of development for use as a cemetery and means of access and landscaping with all other matters reserved.

Planning Considerations:

The London Plan states that some boroughs have either run out of, or are about to run out of burial space. For inner and central London boroughs this means requiring provision in outer London or beyond, and this can cause serious problems of access and cost. This tends to have a disproportionate effect on London's poorest communities. To ensure it is retained as a choice for Londoners, boroughs should continue to make provision for burial. Woodland burial sites with public access can provide additional links to London's green infrastructure. Work carried out on a national level in 2005 indicated that local authority cemeteries in London only had an average of 12 years supply remaining, although the figures in different areas varied widely. The Mayor, in conjunction with cemetery providers and other key stakeholders has established the current situation and identified barriers to supply and any necessary changes to planning policy. Consideration will be given to the provision of supplementary guidance to address these issues.

The GLA audit of burial space provision states that as a result of substantial capacity at Hendon and New Southgate, findings indicate that the borough is not likely to be reliant on burial provision outside its boundary. The applicant has advised that they consider that they can demonstrate that there is a need for the proposed burial space.

The main issues are considered to be:

- Whether the proposals would be an appropriate use within the green belt, and if not, whether there are any very special circumstances, or any other material considerations that would justify the use in green belt terms.
- Whether the proposals involve the loss of sports pitches and if so whether the proposals make acceptable mitigation for this.
- Whether the proposals would have an acceptable impact on the character and appearance of the general locality.
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact in biodiversity terms
- Whether the proposals would have an acceptable impact on local archaeology
- Whether the proposals would have an acceptable impact on the amenities of neighbouring occupiers

Whether the proposals involve the loss of sports pitches and if so whether the proposals make acceptable mitigation for this.

It is noted that the proposals would result in the loss of land designated as a sports field.

The land was originally leased by the council and it acquired the freehold of the wider site for the new Broadfields School. Improved provision has been provided at the school. It is noted that sports facilities are available at Edgwarebury Park, opposite the site.

Sport England have objected to the proposals. Sport England is not a statutory consultee to the planning process in this case. The implication of this is that if the local authority is minded to grant permission notwithstanding a Sport England objection, then there is no requirement to refer the matter to the Secretary of State for its consideration. They consider that the land could readily be brought back into active use and should therefore be considered as playing field.

Legal advice has been received that as the land has been abandoned for some time, the site effectively has a 'nil use'. Therefore it would be unreasonable to take into account the loss of former sports pitches as a material consideration. It should be noted that the land could be adapted for further use as sports pitches; though information suggests that the previous owners (Camden & Barnet) described the land as surplus to requirements. Furthermore, information suggests that by 2015 there will be a surplus of the type of senior football pitches previously present on site. It is therefore considered difficult to justify retaining the site as sports pitches, as it is unclear that there is demand for the use.

In this way, it is considered the use as a sports pitch has been abandoned and that the proposals do not constitute the loss of sports pitches contrary to adopted policy. Whilst the site could be brought back into use as sports pitches, there is no indication that there is a specific need for sports pitches in this part of the borough.

Whether the proposals would be an appropriate use within the green belt, and if not, whether there are any very special circumstances, or any other material considerations that would justify the use in green belt terms.

The applicant has submitted a 'hybrid application with full planning permission sought for the western plot and outline permission (with appearance, layout and scale reserved) for the remainder of the site. The impact on the visual amenities of the green belt and the openness of the area is considered to be a key consideration.

The use of land for cemetery purposes need not, necessarily, comprise inappropriate development. Cemetery uses are potentially an appropriate use within the green belt.

However, any memorial stones, slabs, plinths or structures may potentially harm the openness of the green belt. The applicant has submitted a landscaping scheme in support of the development.

The applicant has indicated that headstones would not form part of the first phase and that memorials would take the form of slabs parallel to the ground. It is considered that provided grave markers are very small and that the detailed landscaping scheme is implemented, the development would not adversely affect the open character of the green belt. It is considered that headstones or large grave markers could be inappropriate, and for this reason a condition is attached to ensure that these do not form part of the proposed memorials. The applicant has stated that phase 1 would be used for woodland burial which is considered appropriate within the green belt.

The applicant advises that the former buildings on site (understood to be two storey pavilion and caretaker's house.) should be considered in terms of assessing the impact of the proposals on the green belt. These have clearly not been present for some time and in the view of the Local Planning Authority, these buildings cannot be taken into account when determining the appropriateness of any new buildings. New buildings do constitute inappropriate development, and therefore very special circumstances are needed to justify them.

The applicant has submitted a burial needs assessment as part of the application.

The GLA audit of burial space provision states that as a result of substantial capacity at Hendon and New Southgate, findings indicate that the borough is not likely to be reliant on burial provision outside its boundary.

The applicant has submitted a Need Report which summarises that

- *'Space for new graves in the 22 local authority non-denominational cemeteries currently providing it within this catchment area is rapidly diminishing at current rates of demand. Demand can be expected to rise as demographic changes lead to an increase in the numbers of deaths.*
- *It is estimated that 7 (32%) of these local authority cemeteries will run out of virgin land for new graves within the next 10 years.*
- *In order for people within the catchment area to continue to have the option of virgin ground for the burial of their dead, whether for personal, cultural or religious reasons, there is a clear need for this proposed new cemetery in this strategic location, which is available for this use, to make a major contribution to meeting*

the increasing demand for burial space within a large and well-populated area.'

The applicant goes on to state that the need for the scale of building proposed is direct and researched response to congregation seating capacities. This is provided in guidance from the Federation of Burial and Cremation Authorities. They estimate that, whilst most funerals will be attended by 30-40 mourners, there are occasions where the number of mourners will be between 80-100. As such, it is necessary to plan a memorial building to accommodate this number of mourners seated. The size of the building is considered to be of an intimate scale, whilst providing the necessary space as recommended by the Federation of Burial and Cremation Authorities. The Federation of Burial and Cremation Authorities also state that the foyer should allow enough space for mourners to congregate inside but should be in full view of the main drive. They also stipulate that a private waiting area be large enough to provide seating for at least 10% of attendees (so upto 10) people. A vestry, office for staff and toilet facilities are also necessary operational features. The Federation of Burial and Cremation Authorities also highlight the important of a porte-cochere in enabling coffins to be removed from the hearse and for mourners to pass from the hearse and funeral car into the building undercover on days where the weather is poor.

It should also be noted that efforts have been made to site the cemetery building considerately. It would be a light structure, sunken into the ground to reduce its impact on the landscape. It would include some timber and the materials potentially would reduce the impact of the structure.

Car parking and access roads are also proposed and are again landscaped to try and minimise their visual impact.

The applicant has stated that an important element of the proposal is opening up the site for public access and this would be a benefit of the scheme.

It is considered that there are a number of reasons why very special circumstances could be said to exist to warrant approval of this scheme on this particular site:

- the need for future burial space
- the moderate size of the building and its design and siting to minimise visual impact
- the nature of the cemetery ie woodland burial which minimises visual impact from graves
- the enhanced landscaping and biodiversity proposals
- opening up of the site for public access

Details for phases 2 and 3 would be reserved, so in this way they cannot be assessed at this time. It has been made clear to the applicant that the assessment of these reserved matters for future phases will include an assessment of how the proposals impact the openness of the green belt.

Whether the proposals would have an acceptable impact on the character and appearance of the general locality.

The background to policy DM15 states that potentially acceptable Green Belt development such as golf courses and cemeteries can have a considerable impact

on the local character, appearance, accessibility and nature conservation value of the countryside. In line with Policy DM01: Protecting Barnet's Character and Amenity and Policy DM15: Green Belt and Open Spaces they should demonstrate their harmony with the surrounding countryside and impact on biodiversity.

The applicant needs to demonstrate within any submission that the proposals will not harm the character and appearance of the area.

It should be noted that as many as possible of the existing natural features will be retained. The scheme will use the existing natural boundary features though gates will be required to secure the access points.

The applicant has submitted a landscaping masterplan and an outline landscape management plan.

These include proposals to ensure that mature trees, boundary hedges and the woodland edge, specimen trees, meadow grasslands, water features, walled memorial gardens, formal grasslands and gravel paths and hard surfacing is provided and maintained. This will be reviewed and updated at the stage of Phase 2 and 3, though the landscaping details for these phases form part of this application.

Details of how public access would be managed would be secured by condition.

A tree removal plan has been submitted to the Council. It is considered that this is acceptable.

Overall it is considered that the proposals would ensure that the landscape quality of the site is maintained and enhanced.

Whether the proposals would have an acceptable impact on the amenities of neighbouring occupiers

The use itself is likely to have approximately 360 services per year. This would equate to one or two services a day on average. Though the site is located in a relatively quiet location a short distance from residential properties, it is recognised that the level of intensity of the use is unlikely to harm neighbouring amenity through associated noise and disturbance.

It is not considered that the proposals are likely to have a materially harmful impact on the residential amenities of neighbouring occupiers.

Whether the proposals would have an acceptable impact in biodiversity terms

The site is located close to a site of local nature importance.

A number of surveys have been undertaken, including bat, slow worms, great crested newts, birds, stag beetles.

These show that slow worms have been identified on site and these are a protected species under the Wildlife and Countryside Act.

The London Wildlife Trust have been consulted and they support the proposals as they consider that they would provide ecological benefits.

It is considered that the proposals would have an acceptable impact on local biodiversity and would ensure suitable mitigation provided through planning conditions.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Discussions have been undertaken regarding access and vehicle circulation for Phase 1 of the scheme. The applicant's drawing show a single vehicle circulation with ingress in the vicinity of 247 Edgwarebury, and egress at the northern end of site. This is acceptable.

The applicants have submitted a Transport Statement that sets out the expected weekday daily vehicular trips. This phase is expected to generate 17 additional trips (including two funeral cars). The applicants have indicated that there will be infrequent occasions (up to three per year) when funerals may be larger and trips may exceed the norm. It is envisaged that trips generated by this activity have high car occupancy and are likely to be accommodated within the proposed on site parking provision. A cemetery can also attracts general visitors and the Statement notes that such trips normally equate up to 6 visitors per day. (This does not include any demand for public access)

	Arrivals	Departures
Mourners vehicles (including funeral hearse and limousine)	17	17
Staff vehicle trips	4	4
Visitor vehicle trips	6	6
TOTAL	27	27

49 spaces are proposed and 4 cycle spaces. It is expected that this allocation will be able to accommodate the trips generated by this use.

Approximately four staff will be on site. They will park within the allocation provided on site. The staff bays should be marked out. In addition, 6 cycle spaces for staff use will also be provided.

Disabled parking will be in accordance with the London Plan for this use which is a minimum of two spaces or 6% of total provision. The spaces would be accessible and conveniently located near entrances/ exits.

Refuse and servicing will be arranged by the site management and take place within the site.

It is not considered that the proposals would harm highway and pedestrian safety.

Impact on the historical environment

The site is located within an area of Archaeological significance. The site lies within the Edgewarebury and Scratchwood area of special archaeological significance defined in Barnet's Local Plan Development Management Policy DM06 which has interest in relation to prehistoric, Roman, Saxon and medieval periods. The applicant's archaeological assessment indicates that this site has not been extensively disturbed in modern times and has potential for prehistoric or Roman remains which they consider would be of low to medium significance. Also, the historic hedgerows within and around the site date back to at least the 16th century and would be considered 'important' under the Hedgerow Regulations 1997.

The applicant has submitted a Historical Environment Assessment in support of the application.

English heritage consider that field evaluation is required to establish whether substantive heritage asset(s) of these periods are actually present within the site and, if so, their nature, extent and state of preservation. Evaluation fieldwork should be carried out by a developer appointed archaeological practice and a geophysical survey of the site aimed to locate substantive prehistoric or Roman settlement or industry, followed if necessary by trial trenching. The consultant's report will need to establish the significance of the site and the impact of the proposed development.

It is considered appropriate to secure these requirements by condition and to ensure that details are agreed with English Heritage and the Local Planning Authority.

The impact on local flood risk

The site is located outside of an area of flood risk but is over 1 hectare in size.

The applicant has demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.

The applicant has demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change, will not exceed that of the existing site. The applicant has demonstrated runoff rates and storage volumes for the 100yr storm event and calculations should be updated to include an allowance for climate change. The Environment Agency welcomes the proposals which include ponds and swales to maintain greenfield runoff rates. The applicant has demonstrated through their surface water strategy that the proposed development will not create an increased risk of flooding from surface water and that the surface water achieves a greenfield run-off rate as set out in Barnet's Sustainable Design and Construction Supplementary Planning Document (table 2.15.2).

3. COMMENTS ON GROUNDS OF OBJECTIONS

Religious beliefs mean that some people cannot live next to a cemetery and will be forced to move. - *It is noted that some residents may consider that their religious beliefs prevent them from living near a cemetery. It should be noted that ceremonies*

themselves would take place on the side of the site furthest away from residential properties, and that the site is located close to an existing cemetery.

Lack of consultation - Additional consultation was undertaken following concerns expressed by residents. This complies with statutory and Council requirements.

The applicants need to make a profit and 1 burial a day is unlikely to be viable - The proposals must be assessed on their merits. The applicant has suggested that this would be how the cemetery would operate.

There is already an existing cemetery nearby and this was refused permission to expand - The current proposals must be assessed on their own merits.

Loss of view - This is not a material planning consideration

Access is narrow, how would emergency vehicles access? - This has been assessed by highway officers.

Is a cemetery needed in Barnet? - It is considered that the burial need report justifies the need for this use.

Impact on water table - This issue has been addressed following the submission of additional information. The Environment Agency consider the details acceptable.

Disturbance to residents - Disturbance during construction is not grounds to refuse planning permission.

Loss of property value - This is not a material planning consideration

Loss of security - It is not considered that the proposals would materially reduce the security of the local area.

4. EQUALITIES AND DIVERSITY ISSUES

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it behaves as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:

(b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

(c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) Tackle prejudice

(b) Promote understanding

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.
- (9) schedule 18 (exceptions) has effect.”

The likely equalities impacts of the development are as follows:

In considering the application, the Council needs to pay due regard to protected characteristics under the Equalities Act.

The proposals would provide a new woodland burial cemetery. The site was formerly a sports pitch but this has since been abandoned.

Through the Council's initial consultation a six residents expressed concerns that living next to a cemetery is contrary to their religious beliefs.

Religion or beliefs are a protected characteristic and therefore it is necessary to have due regard to the impact of the development on this.

As part of the consultation exercise the Council asked residents for details of how they felt the development would prejudice their beliefs so that the Council could better understand the issues raised.

Responses received include:

'Jains along with Sikhs and Hindus believe that the soul is distinct from the body it occupies. It continues its cycle of reincarnation by being born again in to a new body when the current one dies.'

The type of body the soul acquires depends on its past karmas and the sole purpose of the body is to help it enjoy/suffer its past karmas. When the soul has freed itself of all karmas it is released from the bondage and its cycle of birth and death comes to a stop.

The body is considered only a tool for the soul, when the soul leaves the body – the body is said to be dead. Whilst the soul is present in the body – say a human body – that body has a name and is treated with respect.

Once the soul leaves the body – it is no longer addressed by a name but simply as a body and treated as a impious object. It has to be removed from its place of abode at the earliest and cremated. Traditionally, if a person dies before 7 pm in the evening, the body is cremated immediately or as soon as possible and not kept in the house. If he dies during the night – the body is cremated at the first light.

However, due to various legalities, immediate cremation is not always possible in the UK but the body is kept away from home as it is considered to be inauspicious.

Similarly, having a cemetery near a residence is considered to be very inauspicious. Crematoria are always located away from the residential localities and no Jain, Hindu or a Sikh would want to stay next door to a cemetery.'

'The cemeteries, burial grounds are among the prohibited regions where the followers of the Vedic (of Shrauta sampradaya E.g. Arya Samajis) as well as of the

Sanatana Dharma (Smaartas who follow Smritis i.e. any denomination of the Sanatanis or in the modern term, the Hindus) do not like to dwell.

In those places we do not conduct auspicious rituals (Weddings, Poojas and Havans) in their vicinity. Only the Uttara kriyas or the funerals (cremation/burials) are done in a Smashaan or a Rudra-bhoomi. After finishing such obsequies, we require to take bath and change the clothes before entering a home or a Mandir. This involves the general care along the cleanliness, health, hygiene which are important in our religion.

We got persons who are Vedic scholars and academicians. Any priest in the Hindu Mandirs will endorse the same view as mine. They might not have equipped with a good library which would have enabled them to quote from our scriptures. The priests and Purohitas don't have the orientation to do researches. They do not have time nor necessity to search guidance outside of their education and grooming. They help the followers of the Hindu spiritual matters as carried out in our Mandirs.

In contrast to our Mandir requirements, many of the churches and the mosques are often found built surrounded by their cemeteries or the burial grounds. But a Mandir is never built besides such place.

Our Yajurveda, Kalpas, Vaastu Shaastra as well as the Agamas which deal with the Temple Science are the authority for us in the above said matters.'

In assessing the application, the Council is required to consider whether any mitigation exists to address the issues raised. In this case it should be noted that no cremations would take place, as the site is for woodland burial. Also, there will be a buffer zone from the boundary of the site so that burials do not take place immediately adjoining neighbouring properties. Given the nature of the use ie woodland burial, gravemarkers are unlikely to be visible from outside the site.

The benefits of the cemetery for the wider population need also to be considered, and it is considered that whilst there may be some impact on the beliefs of some residents, this would be outweighed by the benefits the scheme would provide as a multi faith woodland cemetery to serve the residents of Barnet and the wider community.

5. CONCLUSION

The proposals would provide a number of benefits, including providing public access to the site and preserving and improving the landscape quality and ecological value of the site. Taking this into account and the consideration that the proposals would not materially harm neighbouring amenity or highway safety, the application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: Land Adjacent Edgwarebury Cemetery,
Edgwarebury Lane, Edgware, Middx, HA8 8QP

REFERENCE: H/04748/12



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