

**MEETING**

**EAST AREA PLANNING SUB-COMMITTEE**

**DATE AND TIME**

**MONDAY 30TH JULY, 2012**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

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

Chairman: Councillor Andreas Tambourides (Chairman)

Vice Chairman: Councillor Bridget Perry (Vice-Chairman)

**Councillors**

Alison Cornelius

Arjun Mittra

Barry Rawlings

Alan Schneiderman

Stephen Sowerby

Andrew Strongolou

Joanna Tambourides

Jim Tierney

**Substitute Members**

Rowan Turner

Pauline Coakley Webb

Brian Coleman

Anne Hutton

David Longstaff

Kath McGuirk

Alison Moore

Robert Rams

Lisa Rutter

Brian Salinger

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

**Aysen Giritli – Head of Governance**

Governance Services contact: Maria Lugangira 020 8359 2205

Media Relations contact: Sue Cocker 020 8359 7039

**CORPORATE GOVERNANCE DIRECTORATE**

## ORDER OF BUSINESS

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### **FACILITIES FOR PEOPLE WITH DISABILITIES**

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**LOCATION:** 42-52 Lancaster Road, Barnet, Herts, EN4 8AP  
**REFERENCE:** B/01900/11 **Received:** 05 May 2011  
**Accepted:** 01 June 2011  
**WARD:** East Barnet **Expiry:** 31 August 2011 **AGENDA ITEM 7**

**Final Revisions:**

**APPLICANT:** Mrs H Rorke

**PROPOSAL:** Demolition of existing car body repair shop and erection of a three storey block of 10 flats and a three storey block of 6 flats. Associated landscaping and 16 associated car parking spaces.

**APPROVE SUBJECT TO S106 AGREEMENT**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £36,790.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £160.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £13,467.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £2,520.80**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/01900/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers].

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 shown on Plan 301 rev. C (received 22/08/2011) 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. 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.

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. 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.

10. 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.

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 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.

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

Reason:

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

13. The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

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

14. Before the development hereby permitted commences a Construction Management Plan must be submitted to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety.

15. 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.

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

Reason:

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

17. The level of noise emitted from the **(specify machinery)** 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.

18. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the

development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

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

Reason:

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

- 19 A scheme for acoustic fencing along the rear boundary of the site adjoining the communal amenity area and along the southern and eastern boundaries adjoining the gardens of properties on Lancaster Road shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes.

- 20 Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

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

- 21 Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler shall be submitted to and approved by the Local Planning Authority. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development.

- 22 Before the building hereby permitted is occupied the proposed windows in the south flank elevation of block A facing 54 & 56 Lancaster Road shall be glazed with obscure glass only and shall be permanently retained as such

thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

- 23 Before the building hereby permitted is occupied the proposed windows in the east elevation of block B facing Block A of the proposed development shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:  
  
Adopted Barnet Unitary Development Plan (2006):  
  
Core Strategy (Adoption version) 2012:  
  
Development Management Policies (Adoption version) 2012:
  - ii) The proposal is acceptable for the following reason(s): -  
  
The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
2. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
3. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £44,800.00

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

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

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

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

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

4. If the development is carried out it will be necessary for the existing crossovers to be amended by the Highways Authority. New or amended crossovers will be subject to detailed survey as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. Any street furniture or road markings affected by the proposed works would be relocated at the applicant's expense. Any redundant crossovers should be reinstated to footway level. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
5. The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
6. Any details submitted in respect of the Construction Management Plan shall indicate how the hours of operation will be controlled, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
7. In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents;
  - 2) Planning Policy Statement 23 (PPS 23) - England (2004);
  - 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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

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

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

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

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

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

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality

Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

- 10 The report submitted to the LPA should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control Planning for Air Quality and the Planning Policy; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils' Air Quality and Planning Guidance, revised version January 2007; 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.

### **RECOMMENDATION III**

That if an agreement has not been completed by 07/09/2012 that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management should REFUSE the application B/01900/11 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet the extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Planning Document- Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries and Supplementary Planning Document- Contributions to Health Facilities and policies CS10, CS11, CS15 and DM13 of Barnet's Local Plan (Adoption Version) 2012.

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

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The Mayor's London Plan: July 2011

- 2.7 - Outer London: Economy
- 3.3 - Increasing Housing Supply
- 3.4 - Optimising Housing Potential
- 3.5 - Quality and Design of Housing Developments
- 3.8 - Housing Choice
- 3.9 - Mixed and Balanced Communities
- 3.10 - Definition of Affordable Housing
- 3.11 - Affordable Housing Targets
- 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 - Affordable Housing Thresholds
- 3.14 - Existing Housing
- 4.4 - Managing Industrial Land and Premises

- 7.2 - An Inclusive Environment
- 7.4 - Local Character
- 7.6 - Architecture

Relevant Unitary Development Plan Policies and Supplementary Planning Documents:

GSD, GBEnv1, GBEnv2, D1, D2, D4, D5, H2, H5, H16, H17, H18, H21, H24, CS2, CS8, CS13, IMP2, ENV7, ENV12, GEMP4, EMP2

Supplementary Planning Design Guidance Note No. 7 - Residential Conversions

Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses

Supplementary Planning Document - Sustainable Design and Construction

Supplementary Planning Document - Planning Obligations

Supplementary Planning Document - Education

Supplementary Planning Document - Health Facilities arising from Development

Supplementary Planning Document - Library Services

Supplementary Planning Document - Affordable Housing

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

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

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS6, CS8, CS10, CS11, CS13.

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

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

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM10, DM11, DM13, DM14, DM17.

### Relevant Planning History:

N00723D - Approved 19/06/1968  
Coachworks and ancillary offices

N00723C - Refused 16/05/1967  
Erection of 12 flats and 12 garages

N00723B - Approved 14/2011/1966  
Erection of new factory for coach building and car repairs

### Consultations and Views Expressed:

Neighbours Consulted: 159  
Neighbours Wishing To  
Speak

Replies: 7

The objections raised may be summarised as follows:

- It would be preferable to build houses as opposed to flats as there are already too many flats on this road
- Parking is difficult as there is often an overspill on Lancaster Road from existing flats who prefer to park on street than on their allocated car parks to the rear of the buildings
- Noise pollution
- Loss of privacy
- Insufficient parking provision for the development and no allowance for visitor parking
- North facing windows on Block B would overlook residential gardens on Lancaster Road especially given elevated position and the height of the development
- A northerly aspect is not the best aspect to have in any residential design, they should be rotated to an easterly aspect
- The appearance of Block A appears to be in keeping with the scale and massing of Lancaster Road however, the 2 flank elevations of solid brickwork with minimal variation and one window on the southern flank will not add to the aesthetic of the environment and object to the design and appearance of the flank walls
- Block B is hideous and appears to have a significantly cheaper envelope and none of the variety of Block A. It has the larger mass on the site and this size coupled with poor elevational treatment means it will not add to, improve or even fit in to the current aesthetic and object on this basis
- Trees lining the side of the railway should not be removed as they bring much needed green to the outlook across the line and absorb sound and fumes
- Lots of through traffic and lorries accessing industrial estate
- Concern over damage to neighbouring properties during demolition and construction works
- The old drainage system may not be able to cope with the new development
- Damage to parked cars during construction
- Dirt and dust during construction



## Internal /Other Consultations:

### Traffic & Development:

The proposal is for demolition of existing car body repair shop and construction of a residential development consisting of 16 self contained flats ( 13 x 2-bedroom and 3 x 1-bedroom) with provision of 16 parking spaces. Access to the proposed parking spaces will be via an access road from Lancaster Road

The parking provision is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006.

If the proposal is carried out it will be necessary for the existing crossovers to be modified by the Highways Authority. New or amended crossovers will be subject to detailed survey as part of the application for crossover

### Environmental Health:

The car repair site is surrounded by residential on both sides and across the road so the proposed residential use of the site would be a positive use for the site.

The road is mainly residential with industrial units located towards the end of the road. It is likely to be used by HGV's/ car traffic accessing these. There is a high speed train line to the rear of the site which are very frequent. As such a noise impact assessment will be required. The car parking at the rear and communal gardens should be enclosed by acoustic fencing.

The site is not in an area of exceedance for air quality and therefore small development air quality condition should apply.

Given previous uses of the site there is potential for asbestos to be on site and other contaminants. Contaminated land conditions should therefore be attached to any grant of approval.

Date of Site Notice: 09 June 2011

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a car repairs workshop side on western side of Lancaster Road. The buildings itself is of a substantial size, set back from the front building line of adjoining properties with informal parking to the front of the building. There is an existing access road to the south of the building adjoining the boundary with No.'s 54&56 Lancaster Road which leads to the parking area to the rear of the site which stretches behind the rear gardens of No.'s 54-64 Lancaster Road.

The existing building is two-storeys with a flat roof with surrounding parapet. It is 18.2m wide and 26.7m deep and reaches a height of 7.7m.

The street is characterised by a mix of residential properties including terrace, semi-detached and purpose built blocks of flats. The Lancaster Road Industrial Estate lies at the northern end of the road; this land is allocated as a Primary Industrial Site.

### Proposal:

The application seeks planning permission for the demolition of the existing building and the redevelopment of the site for residential purposes. 2no. blocks are proposed to accommodate a total of 16no. self-contained flats with associated amenity space and parking provision. 13no. 2 bed flats and 3no. 1 bed flats are proposed.

Block A would front Lancaster Road with its front building line in line with the adjoining property at No. 40. It would be set back 4.4m from the front boundary of the site and would be 2m from the northern boundary with No. 40 and 5.3m from the southern boundary separated by the proposed access road which leads to the rear parking area. The building would be two-storeys with rooms in the roofspace facilitated by a crown roof and dormer windows to the front and rear elevations and 1no. dormer window to the south facing roof slope. It would have a frontage of 20m to Lancaster Road and would be 16.3m deep. Eaves and ridge height of the building would not exceed those at No. 40. Maximum height of the building would be 9.2m.

Block B would be sited on the rear part of the site at a distance of 12.5m from Block A and 1.2m from the rear boundary of the site. It would be a minimum of 10.5m from the northern boundary which adjoins the garden serving No. 40 Lancaster Road and 23m from the southern boundary. It would be 5m from the rear garden boundary of No.'s 54 and 56 Lancaster Road. The building would be three storeys with the third floor partly contained within the roof. It would be 17m wide, 11.2m deep and would have a maximum height of 9.5m.

Communal amenity space would be provided at the northwestern end of the site adjoining the garden of No. 40. A car parking area for 16 cars would be provided on the southern end of the site as well as cycle parking and refuse storage.

### Planning Considerations:

There is a general presumption in favour of retaining employment floorspace falling within classes B1, B2 and B8 in the borough. Where a loss of such floorspace is proposed it must be demonstrated that there is no realistic prospect of re-use for employment purposes and an active period of marketing has been carried out.

The site has been vacant for the last 2 years and marketing information has been submitted to demonstrate that there is no interest in using the premises for B1/B2/B8 purposes. Letters from the marketing agent state that while some interest was shown in continuing the use of the site for car body repairs, given that the building was in need of repair and investment was required to bring the plant and equipment up to modern standards no serious offers were made. The marketing effort was broadened to include general industrial use and storage but no serious interest was shown. Letters from the marketing agent conclude that the site has no realistic prospect of re-use for industrial purposes given the investment required in the premises to bring it back into use and the LPA are satisfied with this information.

Where loss of employment land is accepted, a mix of uses is generally encouraged. However, in this case, it is considered that an exclusively residential development is acceptable given the character of the street and proximity of adjoining residential properties. An exclusively residential development on the site will minimise noise and disturbance to adjoining and future occupiers reducing conflicts between different users. In addition, there is an existing industrial estate on Lancaster Road which is allocated employment land where industrial uses are more appropriately concentrated. A residential development on the application site is therefore

considered more appropriate than a mixed use scheme given the nature of the surroundings and the character of the street and minimising any adverse impacts from industry/ commercial uses on adjoining residential properties.

The proposed development is considered to have an acceptable impact on the character and appearance of the general locality and the amenities of the adjoining residents. Block A would be in keeping with the character and appearance of the Lancaster Road street scene. Whilst the building would be of a substantial size when compared to adjoining properties it would be of a lesser depth than the existing building occupying the site. It would be of a traditional design and appearance with a single entry point into the building and a gable feature and projecting bays on the frontage to break up the front elevation. Eaves and ridge heights do not exceed the adjoining buildings and the front building line would be respected.

Block A would be higher than the existing building. However, given it would not be as deep as the existing building and would not project as far beyond the rear building line of No. 40 as the current building the relationship with this property and the impact on the amenities of these adjoining residents would be improved when compared to the existing situation. The existing building extends approximately 20m beyond the main rear wall of No. 40 at a distance of 4m. Block A would project 8m beyond the main rear wall of No. 40 at a distance of 2m. It is therefore considered that the proposal would have an acceptable impact on these adjoining residents when taking into account the existing building. No windows are proposed in the flank wall facing towards No. 40 and as such the development would not result in a loss of privacy to the adjoining properties.

Similarly Block A would have a lesser impact on the amenities of the adjoining occupiers to the south than the existing building given its shallower depth. 2no. windows are proposed on the south flank elevation at first floor level and 1no. dormer window on this elevation is also proposed. A condition has been imposed to ensure that these windows are fitted with obscure glass with a fanlight opening only to restrict views into the adjoining garden and preserve their privacy.

Block B would be sited on the rear part of the site which is currently used for parking/ storing vehicles in association with the use of the site for car repairs. The building has been sited in a way to minimise the impact on the visual amenities of adjoining residents and the enjoyment of their gardens. As such the building has been re-positioned during the course of the application and revisions have been made to its design and appearance. The building would be a minimum of 10.5m from the adjoining garden and would therefore be in accordance with Policy H17 which seeks to protect the privacy of residential gardens by retaining a minimum distance of 10.5m from facing windows. At this distance, the building is not considered to be unduly obtrusive or overbearing as perceived from the rear part of this adjoining garden. In addition the communal amenity space would act as a buffer between the new development and the adjoining garden.

The re-siting of Block B further towards the northern boundary has reduced the impact on the amenities of 54 and 56 Lancaster Road to an acceptable level. The proposed building would be sited 5m from the rear boundary of this site and would extend only 1m directly to the rear of the adjoining garden with the remainder of the site being open for car parking. It would be approximately 18.5m from the main rear wall of 54-56 Lancaster Road and at this distance, in the position proposed, it is not considered to be unduly obtrusive or overbearing as perceived from these adjoining properties.

Block B would be higher than Block A and would have an asymmetric roof form of greater perceived bulk and the front elevation would be less articulated by fenestration. However, given its siting on the rear part of the site it is considered to have a minimal impact on the street scene. Although visible from adjoining gardens it is not considered to be an obtrusive form of development and would have an acceptable impact on the character and appearance of the general locality.

The development is considered to provide a good form of accommodation for future occupiers of the development. Each of the units would have adequate outlook and access to natural light and the sizes of the individual flats would comply with the minimum floor areas for new residential development as specified in the London Plan. Amenity space provision for the development would accord with the Council's standards. Given the proximity of the railway line to Block B a condition has been imposed to ensure that this is mitigated against so as not to harm the amenities of future occupiers of the development.

The proposed access road to the parking area would be in the same position as the existing access road. A condition has been imposed to ensure that noise from the use of the car park and access road are minimised by the installation of an acoustic fence. Parking in accordance with the Council's standards is proposed and no objection to the development has been raised by the traffic and development team.

As the development proposes 16 units there is a requirement for the developer to provide a mix of tenures as part of the development in accordance with the Council's policies on affordable housing provision. The application has been subject to an Independent Financial Appraisal which concludes that the site cannot support affordable housing provision as part of the development. The LPA is satisfied with these findings.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Generally addressed above, additional comments are as follows:

- Noise and disturbance and damage to property during construction is not a material planning consideration;
- A Construction Management Plan condition has been imposed to minimise the impact on the public highway during the works;
- A landscaping condition has been imposed to ensure a satisfactory appearance to the development.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. SECTION 106 ISSUES**

Given that the proposal would provide new residential accommodation in the borough, there would be increased pressure on local services. As such, the applicant is required to make contributions towards these services to off-set the additional demand in accordance with local and national policy. The application is therefore recommended for approval subject to a legal undertaking to ensure these costs are met.

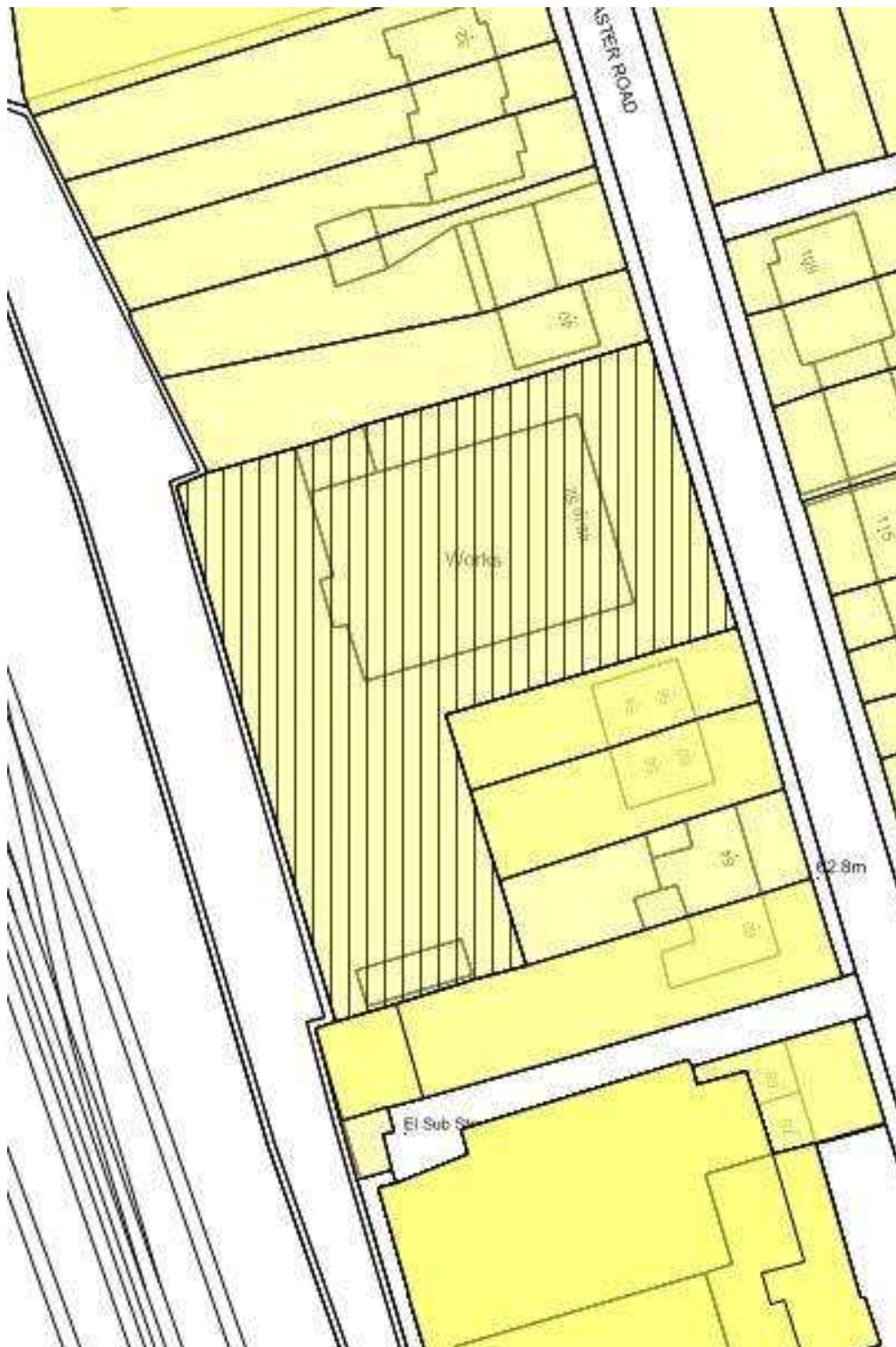
The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

## **6. CONCLUSION**

The proposed development would have an acceptable impact on the character and appearance of the general locality and amenities of adjoining residents. It would accord with planning policy and guidance and approval is therefore recommended.

**SITE LOCATION PLAN:** 42-52 Lancaster Road, Barnet, Herts, EN4 8AP

**REFERENCE:** B/01900/11



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**LOCATION:** Land adjoining 37/39 Leslie Road, London, N2 8BN

**REFERENCE:** F/02170/12

**Received:** 31 May 2012

**Accepted:** 31 May 2012

**WARD(S):** East Finchley

**Expiry:** 26 July 2012

**AGENDA ITEM 8**

**Final Revisions:**

**APPLICANT:** Mr H Bhoi

**PROPOSAL:** Demolition of existing garages and erection of a two storey building with basement comprising 1no 1 bedroom flat and 1no studio flat.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement; Plan No's: CAP 001; CAP 002; CAP 003; CAP 004.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

5. Before the building hereby permitted is occupied, the proposed refuse enclosures for recycling containers and wheeled refuse bins shown on Plans CAP 003 & CAP 004 shall be provided and shall be permanently retained.

Reason:

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

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

Reason:

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

7. 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.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

11. 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.

12. 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).

- 13 No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

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

14. Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

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

15. The proposed cycle storage and enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, shall be provided at the site in accordance with the approved plans before the development is occupied and shall be permanently retained.

Reason:

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

16. The internal layout of the proposed units shall remain as shown on the hereby approved plans.

Reason:

To safeguard the amenities of future occupiers.

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

Reason:

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

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

National Policy: National Planning Policy Framework

London Plan (2011): 3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D11, H1, H16, H17, H18, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2

Local Development Framework:

Core Strategy (Adoption version) 2012 – CS NPPF, CS1, CS4, CS5, CS10, CS11.

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

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

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provide good quality residential accommodation which is at short supply. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

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

2. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £2,450.

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

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

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

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

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

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

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

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

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

#### The Mayor's London Plan July 2011:

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

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

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

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

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

## Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D11, H1, H16, H17, H18, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

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

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

On 21 February 2008, following public consultation, a Supplementary Planning Document “Contributions to Education” was adopted by the Council. The SPD, provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development. The contributions were increased on 1 August 2009.

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

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

The Council has also adopted (June 2007), following public consultation, an SPD “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the

Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

### Core Strategy (Adoption version) 2012

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

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS10, CS11, CS15.

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

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

Relevant Development Management Policies: DM01, DM02, DM13, DM17.

### Relevant Planning History:

|                              |   |
|------------------------------|---|
| <b>Site Address:</b>         | Land adjoining 37-39 Leslie Road, London, N2 8BN  |
| <b>Application Number:</b>   | F/03475/09  |
| <b>Application Type:</b>     | Full Application  |
| <b>Decision:</b>             | Refuse  |
| <b>Decision Date:</b>        | 30/11/2009  |
| <b>Appeal Decision:</b>      | No Appeal Decision Applies  |
| <b>Appeal Decision Date:</b> | No Appeal Decision Date exists  |
| <b>Proposal:</b>             | <b>Demolition of existing garages and erection of a two storey plus rooms in roofspace building comprising of 2 self-contained flats.</b> |
| <b>Case Officer:</b>         | Junior C. Moka  |

|                            |   |
|----------------------------|---|
| <b>Site Address:</b>       | Land Adjoining, 37-39 Leslie Road, London, N2 8BN |
| <b>Application Number:</b> | F/00887/10  |
| <b>Application Type:</b>   | Full Application                                  |
| <b>Decision:</b>           | Refuse  |
| <b>Decision Date:</b>      | 10/22/2010  |
| <b>Appeal Decision:</b>    | Dismissed   |

**Appeal Decision Date:** 10/22/2010  
**Proposal:** **Demolition of Existing Garages & Erection of a Two-storey Building providing 2No 1 bedroom flats.**  
**Case Officer:** Junior C. Moka

**Site Address:** Land adjoining 37-39 Leslie Road, London, N2 8BN  
**Application Number:** F/04264/11  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 05/01/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing garages and erection of a two storey detached dwellinghouse.**  
**Case Officer:** Junior C. Moka

**Site Address:** Land adjoining 37/39 Leslie Road, London, N2 8BN  
**Application Number:** F/00509/12  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 20/04/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing garages and erection of a two storey building with basement. To contain 1no 1 bedroom flat and 1no studio flat.**  
**Case Officer:** Junior C. Moka

#### Consultations and Views Expressed:

Neighbours Consulted: 67 Replies: 18

Neighbours Wishing To Speak 1

\*Note - The replies to this proposal can be broken down into 4 objections, 11 support letters and 3 comments

The objections raised may be summarised as follows:

- Concern over height of building and overlooking concerns;
- Loss of light - concerns about crime;
- Reduced access for residents;
- Limited parking;
- Development affects road's character;
- Insufficient space for the development.

The support letters may be summarised as follows:

- Existing garages are derelict and an eyesore;
- Garages prone to crime;
- Development will stop fly tipping;
- Fulfils need for affordable accommodation;
- 'The Walks' is a hub for anti-social behaviour;
- Design is in keeping with area.

The comment made may be summarised as follows:

- Not objecting but ask that the architectural details resembling existing properties;
- Not objecting to this proposal but ask that if it is passed there be a condition that the occupiers are not allowed to have CPZ permits. The reason for this is the lack of any car park provision on-site;
- Not objecting but ask that the units are not for social housing.



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

*"I have been contacted by neighbours who are afraid that they will be overlooked by the application, and that the proposal represents overdevelopment. I also have concerns that there is insufficient amenity space."*

Internal /Other Consultations:

Traffic and Development (F&GG)  
No objection (PTAL 2)

Date of Site Notice: 21 June 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is located on the south side of Leslie Road, immediately adjoining the footpath linking Leslie Road with Park Gate to the south and is presently occupied by three garages. The site is an irregular shape with a frontage of 8.5 metres to Leslie Road, and a depth of 12 metres adjoining the two storey end of terrace 37/39 Leslie Road to the east and, to the west, a footpath beyond which begins another two storey terrace.

The application has stated that the garages are constructed from brickwork, with an asbestos covered flat roof and up and over doors, and this was confirmed following a site visit. The road narrows on both sides close to the site where the linking footpath crosses the road and the footpath then extends northwards to connect Leslie Road with Leopold Road.

Leslie Road is a residential street characterised by two storey single family dwelling houses with a small number of conversions.

Proposal:

This application relates to the demolition of the existing garages and the erection of a two storey building with basement to contain a one bedroom flat and a studio flat.

The one bedroom unit is 54m<sup>2</sup> with 10m<sup>2</sup> of on site amenity space and the studio unit is 45m<sup>2</sup> with 5m<sup>2</sup> of on site amenity space in the form of an enclosed balcony.

This application follows the refused application F/00509/12 on 2 April 2012 at the East Area Sub Committee. The planning application was refused for the following reasons:

1. The proposed first floor flat, by reason of its size and type of amenity space, would provide poor standards of amenity for future occupiers contrary to policies H16 and H18 of the adopted Barnet Unitary Development Plan 2006 and policy 3.5 of the London Plan.
2. The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities and associated

monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies CS8, CS2, CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan (2006).

#### Planning Considerations:

Following the Planning Inspectorate's decision (application Ref F/00887/10, refused by notice dated 30 April 2010) and the previously refused application at the East Area Sub Committee dated 2 April 2012, the main issues are considered to therefore be:

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

#### Proposed siting, character and appearance:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of buildings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites are required to reflect the particular character of the street in which the site is located and the scale and proportion of the buildings. The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

The proposed building is not significantly different to the building considered as part of the previous application by the Planning Inspectorate and the previous application presented to the East Area Sub Committee on 2 April 2012. Neither the council nor the Inspectorate objected to the design siting, character and appearance of the previously proposed building and the changes are considered to be acceptable. The planning inspector made no mention design concerns within the considerations for the dismissed appeal.

The proposal would result in an insubstantial building comprising of two self-contained units accommodated over two levels plus the roof space. It is considered that the proposal results in a building in context with the buildings on Leslie Road

with the appearance of a single family dwelling. It is considered that the resulting building would have a satisfactory and harmonious relationship with these neighbouring buildings and would not result in a dominant and obtrusive feature in the street context that would harm the character of the established low-key development. The proposed development follows design/architectural features which are common in the street scene.

As such the proposal would not cause any significant harm to the street scene. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary Development Plan (UDP). It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected. The proposal would harmonise with and respect the character of the area, as required by UDP policy H16.

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... "

Paragraph 56 states "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

It is considered that the application complies with the above sections of the NPPF.

#### Amenity of future occupiers:

The applicant has considered the views of the inspector and the committee members of the East Area Sub Committee did incorporate these points into this proposal. The proposal has now been altered resulting in a one bedroom unit over both the basement and ground floor levels and a studio unit over the first floor and loft area. This proposal would meet the minimum requirements set out in UDP Policy H18 - 10m<sup>2</sup> provided for the 1 bedroom flat provided to the rear of the site and 5m<sup>2</sup> provided for the studio flat in the form of an enclosed balcony.

Since the previous refusal, the first floor flat has been increased to 45m<sup>2</sup> by including a bathroom to the previously empty loftspace and the footprint of the balcony area is considered to be more usable in its altered design.

Both proposed units would provide adequate internal space to comply with policies H16 of the Adopted UDP (2006) as well as the Policy 3.5 (table 3.3) of the London Plan July 2011. It is considered that the proposed stacking ensures a convenient and efficient layout which also demonstrates an appreciation of the importance of 'arrival' and the 'home as a place of retreat'. Together with the likely impact of the development on the character of the host property and the street scene, the amenity of neighbouring occupiers and its relative proximity to bus routes and local services, those other material considerations are determined to demonstrate a positive level of sustainable development and justify departure from that part of the Policy.

And this is considered to have addressed the first reason for refusal outlined for the previous application.

#### Amenity of existing/future neighbouring occupiers:

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

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

Like the previously dismissed appeal decision and the previous application, the development would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies and Barnet's emerging Local Plan.

The proposed balcony at first floor level is not considered to result in an unacceptable level of overlooking as there is a 1.8 and 2 metre privacy screens enclosure to be erected and maintained. It is acknowledged that the screen would somewhat block the outlook from the the flat window. This is however a secondary window and this would not be considered sufficient to warrant refusal of the application on this ground.

#### Parking, Access and Vehicle Movements:

The existing derelict block of 3 garages is located on the south side of Leslie Road. The proposal is to demolish and erect a two storey building to provide a one bedroom dwelling without any parking provision. Considering that the development site is located near a town centre close to local amenities and reason level of public transport facilities (PTAL 2) the proposed development is acceptable on highways grounds.

#### The Community Infrastructure Levy Regulations 2010:

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

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

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted following the previously approved application which was secured by Section 106 Agreement.

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

#### Education needs generated by the development

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

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

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

To accord with UDP Policy CS8 and the SPD the proposed scheme would require a contribution of £741 (at the time of determining this application) plus a monitoring fee of 5%.

### Contributions to library services

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £278 (at the time of determining this application) plus a monitoring fee of 5%.

### Contributions to Health facilities

The proposal would provide an additional residential unit that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £1,604 (at the time of determining this application) and a monitoring fee of 5%.

The applicant is willing to pay the necessary contributions and has agreed that the education, library services, health facilities contributions and a monitoring fee of 5% should be secured by condition. The second reason for refusal highlighted in the previous application as a result is considered to have been addressed by this current proposal.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Consideration of the proposal in terms of its effect on parking availability, the character and appearance of the development and its effect on neighbouring properties, is contained within the main report. The wish of local residents for the site to be maintained as garages or parking does not prevent an application being submitted, which the Council are in turn obliged to determine. In doing so the Council must consider the proposal on its own relative planning merits and not in comparison to other possible proposals, regardless of how more or less favourable they may be considered.

The highways team looking at the proposal and didn't feel that a condition is needed to ensure that the occupiers are not allowed to have CPZ permits.

#### **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**

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

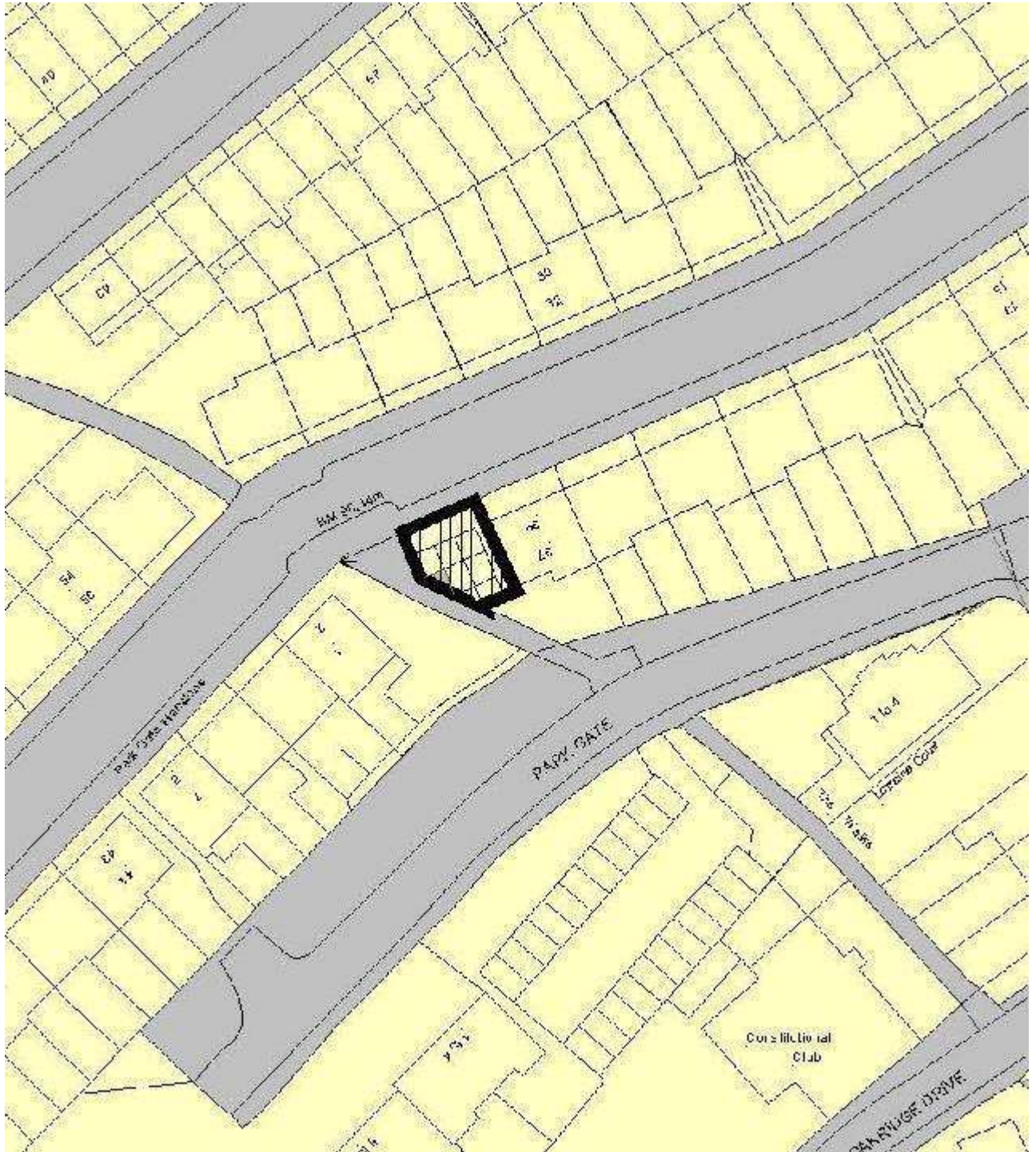
The Local Planning Authority have considered this current scheme to have an acceptable impact on neighbours occupiers.

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments and would provided good quality residential accommodation which is at sort supply. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is recommended for **APPROVAL**.

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

**SITE LOCATION PLAN:** Land adjoining 37/39 Leslie Road, London, N2 8BN

**REFERENCE:** F/02170/12



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**LOCATION:** 238 High Road, London, N2 9AH  
**REFERENCE:** F/02114/12 **Received:** 28 May 2012  
**Accepted:** 13 June 2012  
**WARD:** East Finchley **Expiry:** 08 August 2012 **AGENDA ITEM 9**

**Final Revisions:**

**APPLICANT:** Guardian Realty Ltd.

**PROPOSAL:** Variation of conditions 1(Plan Numbers) and 18 (Plan Numbers) of planning permission F/01624/11 dated 13 June 2011 for Erection of a 3-storey building to accommodate 8 no self-contained flats and a ground floor commercial unit (Class B1 Office Use) following removal of existing portakabin structures. Provision of 8 no. car parking spaces, cycle storage and associated hard and soft landscape.'

**Approve subject to a Legal Agreement/Deed of Variation**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £26,412.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £1,112.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £9,970.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,874.70**  
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: F/02114/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: DWD/8210/001,1239-30-100; 1239-30-101; 239-30-102; 1239-30-104; 1239-30-200; 1239-30-201; 1239-30-202; 1239-30-203; 1239-30-103, AP187/P100, AP187/P101, AP187/P102, AP187/P103, AP187/P104, 1239-30-200, 1239-30-201, 1239-30-202, 1239-30-203 and a letter dated 25th May 2012 from Dalton Warner Davis.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

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.

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

Reason:

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

7. 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.

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

Reason:

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

9. 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.

10. 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.

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 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.

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

Reason:

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

13. 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).

14. The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

15. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

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

Reason:

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

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

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

Reason:

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

17. Before the ground floor units hereby permitted are occupied, details of a scheme to separate their rear terrace from the communal garden shall be

submitted to and approved by the Local Planning Authority. The scheme shall be implemented before occupation and retained thereafter.

Reason:

To prevent inwards overlooking within the development.

18. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the drawing No. AP187/P100 and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

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

19. Before development starts on site, a Construction Management Plan must be submitted to and approved by the Local Planning Authority.

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

20. The ground floor premises shall be used as offices and no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

21. The second floor area shown as a terrace on the hereby approved drawings shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not overlook the playground of Martin school.

22. No windows shall be installed in the side wall facing Martin school.

Reason:

To ensure that the development does not overlook the playground.

23. The development shall be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (office use) as measured within habitable

rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

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

24. Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

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

#### **INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, L11, GEMP1, EMP2, L11, GCS1, CS2, CS8, CS13, IMP1 and IMP2.

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

Development Management Policies (Adoption version)2012: DM01, DM02, DM03, DM08, DM14 and DM17.

The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposals are acceptable on highway grounds. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents;
  - 2) Planning Policy Statement 23 (PPS 23) - England (2004);
  - 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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

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

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

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

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

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

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



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

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

6. Highways informatives:

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

The applicant is advised that in case where any modifications are proposed to the existing access off the public highway or a new access is proposed then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. This may result in alterations to the existing on-street controlled parking bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot pre-empt the outcome of the consultation process. Any modification works including relocation of any existing street furniture would need to be done by the Highway Authority at the applicant's expense. You may obtain advice and an estimate for this and any associated work on public highway from the Crossover Team in Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

In case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be pre-empted. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team in Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

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

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

8. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £29,256.50.

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

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

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

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

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

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31st August 2012 the Acting Assistant Director of Planning and Development Management, unless otherwise agreed in writing, REFUSE the application ref: F/02114/12 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies M14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

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

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

### The Mayor's London Plan July 2011:

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

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

### Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, GEMP1, EMP2, L11, GCS1, CS2, CS8, CS13, IMP1 and IMP2.

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

### Core Strategy (Adoption version) 2012

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

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

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

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

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

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM03, DM08, DM14 and DM17.

### Relevant Planning History:

|                     |   |                      |                |
|---------------------|---|----------------------|----------------|
| <b>Application:</b> | Planning  | <b>Number:</b>       | F/00841/12     |
| <b>Validated:</b>   | 07/03/2012  | <b>Type:</b>         | S73            |
| <b>Status:</b>      | WDN   | <b>Date:</b>         | 01/05/2012     |
| <b>Summary:</b>     | WIT   | <b>Case Officer:</b> | David Campbell |
| <b>Description:</b> | Variation of condition 1 (Approved Plans) of planning permission F/01624/11 dated 13/06/11 for 'Erection of a 3-storey building to accommodate 8no self-contained flats |                      |                |

and a ground floor commercial unit (Class B1 Office Use) following removal of existing portakabin structures. Provision of 8no car parking spaces, cycle storage and associated hard and soft landscape.'

Amendments to include rearrangement of flats and associated alterations to all elevations; amendments to proposed fenestration; repositioning of balconies.

|                     |  |                      |               |
|---------------------|--|----------------------|---------------|
| <b>Application:</b> | Planning   | <b>Number:</b>       | F/01624/11    |
| <b>Validated:</b>   | 26/04/2011   | <b>Type:</b>         | APF           |
| <b>Status:</b>      | DEC  | <b>Date:</b>         | 15/07/2011    |
| <b>Summary:</b>     | APL  | <b>Case Officer:</b> | Fabien Gaudin |
| <b>Description:</b> | Erection of a 3-storey building to accommodate 8no self-contained flats and a ground floor commercial unit (Class B1 Office Use) following removal of existing portakabin structures. Provision of 8no car parking spaces, cycle storage and associated hard and soft landscape. |                      |               |

### Consultations and Views Expressed:

Neighbours Consulted: 68                      Replies: 1  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Ill considered internal arrangements
- Over shadowing
- Overlooking of neighbouring properties
- Inaccurate and unclear drawings

### Internal /Other Consultations:

- Transport for London - No comments.

Date of Site Notice: 05 July 2012

The application is brought to committee at the request of Cllr Rogers for the following reason:

## **2. PLANNING APPRAISAL**

Site Description and Surroundings: The site was previously used as a masonry and consists of a variety of small single storey buildings. The site is almost entirely covered by hardstanding and is sur-elevated on a plinth. The immediate surroundings are relatively open in character and this makes the site prominent in the streetscene.

The surrounding area has a mixture of different buildings including residential semi-detached houses on Chandos Road and purpose built blocks of flats of varying designs along High Road. Most buildings along high Road have significant landscaped areas separating them from the road.

There are a number of council-owned street trees around the site.

The site is located north of the Secondary Retail Frontage of East Finchley town centre as defined in the UDP.

Proposal: The application seeks the variation of conditions 1(Plan Numbers) and 18 (Plan Numbers) of planning permission F/01624/11 dated 13 June 2011 for Erection of a 3-storey building to accommodate 8 no self-contained flats and a ground floor commercial unit (Class B1 Office Use) following removal of existing portakabin structures. Provision of 8 no. car parking spaces, cycle storage and associated hard and soft landscape.'

The amendments include:

- First Floor Unit 3 - change from 3 bed unit to 2 bed unit
- Second Floor Unit 6 - change from 3 bed unit to 2 bed unit
- Second Floor Unit 8 - flank wall extended 2.02m
- Second Floor Unit 8 - widened bedroom widened to allow in more natural light
- Second Floor Unit 8 - living room window facing High Road widened and rooflight added to allow in more natural light
- Units 2, 5 and 8 - floor levels reduced by 0.75m to allow level access with the rest of the building and lifts resulting in a reduction of window and parapet heights to elevations A, B and C.
- First Floor and Second Floor flank wall facing Martin School - all windows have been removed to eliminate direct overlooking to the playground.

#### Planning Considerations:

The NPPF has been adopted since the grant of the previous consent. The relevant sections are as follows:

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- a social role – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment ... "

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

It is considered that the application complies with the above sections of the NPPF.

The Core Strategy and Development Management Policies are now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found them sound and legally compliant. Therefore very significant weight should be given to both documents. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications. The proposals are considered to be fully compliant with both these documents and therefore it is not considered that the applications could be refused on their basis.

There are no objections to the change in number of bedrooms in units 3 or 6 or to the alterations to the fenestration as these are not considered to compromise the proposed scheme. There are also no objections to the reduction in floor levels, windows or parapets as these are also considered to be acceptable alterations. The extension to the flank wall by 2.02m is not considered to give rise to any loss of amenity to any neighbouring property, the surrounding area or the school. It is also considered to be acceptable on design grounds. The proposed building would not come closer to the street trees than previously approved and suitable conditions would be sufficient to control the impact of the proposals on trees. There are therefore no objections to the application.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The grounds of objection have been addressed below:

- The internal arrangements are not considered to be a reason to refuse the application.
- It is not considered that the application will lead to any over shadowing or overlooking of neighbouring properties.
- The drawings are considered to be acceptable and a decision can be made on their basis.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

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

**SITE LOCATION PLAN:** 238 High Road, London, N2 9AH

**REFERENCE:** F/02114/12



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**LOCATION:** 24 Gloucester Road, Barnet, Herts, EN5 1RZ

**REFERENCE:** B/00656/12

**Received:** 15 February 2012

**Accepted:** 22 February 2012

**WARD:** Oakleigh

**Expiry:** 18 April 2012 **AGENDA ITEM 10**

**Final Revisions:**

**APPLICANT:** Mr TRAINOR

**PROPOSAL:** Conversion of existing residential home into 5no. self-contained flats (3no. 1-bed, 1no. 2-bed and 1no. 3 bed) including rear extension to replace existing conservatory. Alterations to roof including a rear dormer window roof extension, addition of windows to front gables and 1no. rooflight to both side elevations. Alterations to the front driveway providing 5no. off-street parking spaces. Provision of refuse enclosure and cycle store. Associated landscaping.

**Approve Subject Unilateral Undertaking**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £12,681.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £5,272.00**  
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £7.00**  
A contribution towards Library Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £898.00**  
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: F/00656/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement (amended and received 19/06/2012), 1354.P.01 and 1354.P.02 C (amended plan received 19/06/2012).

Reason:

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

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

Reason:

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

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and the surrounding area.

4. 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.

5. Before the development hereby permitted is occupied the parking spaces shown on Plan 1354.P.02 Rev. C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

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

Reason:

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

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

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

Reason:

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

8. 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.

9. Before the development hereby permitted commences details of methods to protect privacy of future occupiers of flats B and C from the use of the communal garden area shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason:

To ensure a suitable level of amenity for future occupiers.

#### **INFORMATIVE(S):**

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

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

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D4, D5, H16, H17, H18, H21, H24, H26, H27, CS2, CS8, CS13, IMP2.

Core Strategy (Adoption version) 2012:

CS NPPF, CS1, CS4, CS5, CS10, CS11.

Development Management Policies (Adoption version) 2012:

DM01, DM02, DM03, DM08, DM17.

ii) The proposal is acceptable for the following reason(s): - The proposed development is considered to be in keeping with the character and appearance of this established residential area. The conversion would have a limited impact on the amenities of the adjoining residents and is in accordance with the aforementioned policies.

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

2. If the development is carried out, it will be necessary for the existing crossover to be modified 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. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
4. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

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

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

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

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

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

## RECOMMENDATION III

That if an agreement has not been completed by 07/09/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management should REFUSE the application B/00656/12 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet the extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Planning Document- Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries and Supplementary Planning Document- Contributions to Health Facilities and policies CS10, CS11, CS15 and DM13 of Barnet's Local Plan (Adoption Version) 2012.

### 1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The Mayor's London Plan: July 2011

- 3.3 - Increasing Housing Supply
- 3.4 - Optimising Housing Potential
- 3.5 - Quality and Design of Housing Developments
- 3.14 - Existing Housing
- 7.2 - An Inclusive Environment
- 7.4 - Local Character
- 7.6 - Architecture

Relevant Unitary Development Plan Policies and Supplementary Planning Documents:

GBEnv1, GBEnv2, D1, D2, D4, D5, H2, H16, H17, H18, H21, H24, H26, H27, CS2, CS8, CS13, IMP2.

Supplementary Planning Design Guidance Note No. 7 - Residential Conversions  
Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses  
Supplementary Planning Document - Sustainable Design and Construction  
Supplementary Planning Document - Planning Obligations  
Supplementary Planning Document - Education  
Supplementary Planning Document - Health Facilities arising from Development  
Supplementary Planning Document - Library Services

Core Strategy (Adoption Version) 2012

Development Management Policies (Adoption Version) 2012

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

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS10, CS11, CS13

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

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

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM13, DM17.

Relevant Planning History:

N01572C - Approved 11/05/1984

Change of use of dwelling house to home for the elderly

N01572D - Approved 21/05/1986

Single storey side extension, part two-storey, part first floor rear extension to home for the elderly

N01572E - Approved 23/11/1988

Conservatory at rear

Consultations and Views Expressed:

Neighbours Consulted: 40

Replies: 34

Neighbours Wishing To 2

Speak

The objections raised may be summarised as follows:

- Increased traffic
- School opposite causes bad traffic
- Area will be lowered by having so many tenants cramped into one building
- The Council should require a s.106 to limit the number of bedrooms to avoid over-occupancy
- No highway assessment has been submitted with the application
- Inadequate parking on site leads to increased on-street parking detrimental to amenities of adjoining residents; the site cannot safely or adequately accommodate the number cars proposed for the development
- The existing plans do not show the lawful use of the care home but the unauthorized works that commenced in August 2011 and are therefore misleading as they do not show the communal rooms of the C2 use
- The Design and Access statement is inadequate
- Roof extensions and windows would be harmful to the amenities of the adjoining residents and the character of the building
- Unauthorized works already undertaken to convert the building

- Inaccuracies within application form and plans render the application invalid and incapable of determination by the LPA
- Refuse storage inadequate and is not properly screened
- No flats in immediate vicinity, but adequate flats in area
- Increased disturbance to (elderly) neighbours due to high density
- Intensification of use will affect general street scape and character of the road and amenities of the adjoining residents
- The applicant/agent has failed to properly justify the proposal contrary to validation requirements
- Determination of this flawed application could result in judicial review
- Area is characterised by large single family dwellings
- Proposals do not accord with density levels outlined in the London Plan or the minimum floorspace requirements
- Room sizes do not comply with London Housing Design Guide
- No garden provision
- Overlooking and loss of privacy
- Overdevelopment
- Loss of public amenity
- No room for landscaping to the front and the car parking area is unattractive
- No garden space
- Change of use is required as original planning permission restricted the use as a care home for the elderly only

Internal /Other Consultations:

Traffic and Development Team:  
No objections.

Date of Site Notice: 01 March 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site relates to a large detached building on the southern side of Gloucester Road close to the junction with Richmond Road. The lawful use of the building was as a home for the elderly although it is noted that recent works have been carried out at the property to convert it into a number of residential units which does not have the benefit of planning permission.

The building has been substantially extended to the rear at two-storey level.

The area is generally residential in character. The adjoining property to the east is in use as a single family dwellinghouse and the building to the west (on the corner with Richmond Road) is divided into 3 flats. At the junction of Lyonsdown Road and Gloucester Road is Lyonsdown School.

Proposal:

The application seeks planning permission for the conversion of the building from its lawful use as a nursing home (residential institution Class C2) into 5no. self contained flats. Associated alterations to the building to facilitate the conversion into flats include:

- a rear dormer window extension and rooflights to the side facing roofslopes;

- new windows in the front facing gables;
- alterations to existing single storey side extension;
- removal of external staircase;
- ground floor rear extension following demolition of the existing conservatory;
- alterations to the front driveway to create parking for 5 cars.

The building would accommodate 3no. 1 bed flats on the ground floor, 1 no. 2 bed flat on the first floor and 1no. 3 bed unit on the first and second floors.

### Planning Considerations:

The proposed conversion of the building into 5no. flats is considered to be in keeping with the residential character and appearance of the general locality. The area is characterised by a mix of dwelling sizes and types including residential conversions and purpose built blocks of flats. The proposal would not result in the loss of single family accommodation as the existing building was converted into a care home in the 1980's.

The previous/ lawful use of the building is as a care home with at least 14 bedrooms. As such the building has been substantially extended in the past to accommodate this facility. The proposed conversion into 5no. flats would therefore be accommodated mostly within the existing floorspace with only limited extensions/ alterations required. The impact of the conversion on the character and appearance of the general locality and street scene is therefore considered to be limited.

The addition of 2no. windows into the front gables would be a sympathetic addition to the building, the window design is consistent with the rest of the fenestration on the front of the building and is in keeping with the design and appearance of the property. The proposed rear dormer window extension has been amended during the course of the application and has been reduced in size to form a more subordinate addition to the roof measuring 2.75m in width, 1.4m high and projecting 2.3m from the rear roof slope; it is now considered to be an acceptable addition to the property in compliance with the recommendations in Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses.

The existing front garden is paved with 2no. crossovers accessing the area and therefore can already be used for parking vehicles. As such the proposal to use this area as car parking for future occupiers of the development would not be materially different to the existing situation. There are many other examples in the locality where the front gardens have been paved to be used as parking and therefore this proposal is not out of keeping with the character and appearance of neighbouring sites. The existing access would be modified to create a singular point of vehicle access onto the front driveway which would accommodate 5no. parking spaces, including 1no. disabled space.

The proposed parking provision is in accordance with the standards set out in the UDP and Local Plan. The size of the spaces and size of the total area would enable safe use and manoeuvring within the site. Whilst future occupiers of the development may own more than one car the proposal allows for 1 space per flat which accords with local policy and national objectives to encourage more sustainable modes of transport and to reduce car usage. As 5no. spaces are proposed within the site it is not considered that any overspill parking onto the public highway will be harmful to the amenities of the adjoining residents.



As part of the conversion it is proposed to demolish the existing rear conservatory and replace it with a brick built extension of a similar footprint. The existing conservatory has a depth of 2.2m and width of 7.2m with a maximum roof height of 3.6m sited 1.8m from the boundary with No. 26 Gloucester Road. The proposed extension would measure 2.4m in depth, would be 7.6m wide and would have a height of 3.8m sited 1.6m from the boundary with No. 26 Gloucester Road. Whilst the extension would be larger than the structure it would replace the increases are limited and are not considered to have an adverse impact on the character or appearance of the property. In addition the extension would not have any adverse impacts on the amenities of the adjoining residents. There is an existing ground floor rear extension to No. 26 that would limit any impacts on the amenities of these adjoining residents. The extension is sited 6m from the boundary with No. 22 Gloucester Road and at this distance is not considered to be unduly obtrusive or overbearing especially when taking into account the existing conservatory.

The layout, number and mix of the flats has been amended during the course of the application. The amended plans are now considered to represent an appropriate amount of development on the site taking into account local character and the efficient use of land as well as providing a high standard of accommodation for future occupiers whilst preserving the level of amenity for adjoining residents.

Each of the five units proposed comply with the minimum residential floor areas specified within policy 3.5 of the London Plan with individual room sizes in accordance with standards set out in the Council's Supplementary Planning Document *Sustainable Design and Construction*. Each of the flats would provide sufficient outlook and natural light as well privacy for future occupiers. A condition has been imposed to ensure that suitable sound insulation is installed as part of the development to reduce levels of noise within the development. The rear garden space would be utilised by all residents of the development as communal space. The amount of garden space is in accordance with the standards set out in policy H18 which requires 5sqm of amenity space per habitable room of the development.

Policy DM08 of the Local Plan (Adoption Version 2012) outlines the highest priority for new housing within the Borough and recommends a mix of sizes should be provided to meet demand. The proposal is considered to provide a suitable mix of accommodation given the size of the overall scheme, the character of the area and the ability of the site to accommodate development.

Concern has been raised by objectors to the scheme regarding the ability of the site to accommodate the amount of residential units proposed. The revised proposals are within the acceptable density ranges as outlined in policy 3.4 of the London Plan for a site in this location with a PTAL rating of 3. The building is already of a substantial size given its use as a nursing home and as such is able to accommodate the development with a minimal need for extensions. The approved plans for the site show that the home accommodated 16 bedrooms. There are several other flat conversions in the locality including the adjoining site to the west, No. 22 Gloucester Road which is divided into 3 self-contained flats. It is therefore considered that the proposed conversion would have a limited impact on the character and appearance of the area.

It is acknowledged that the pattern of activity associated with the proposal will differ from that of the lawful use of the site. However, it is considered that it can be absorbed into the locality without having any significantly detrimental impacts on the amenities of the adjoining residents or character of the area.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

- The development is not considered to have significant transport implications and as such a transport assessment is not required as the scale of the development is minor.
- The London Housing Design Guide relates to new residential development with public funding, the proposal has been assessed against adopted standards contained within the SPD *Sustainable Design and Construction*
- Sufficient refuse and recycling facilities for a development of this size are proposed in accordance with the Council's requirements at the side of the building and not readily visible from the street scene.
- The rear dormer window is not considered to result in a significant level of overlooking into neighbouring gardens and it would be comparable to upper floor windows on the rear of the building. In addition, the roof extension would not be for habitable accommodation but would facilitate the staircase.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. SECTION 106 ISSUES**

Given that the proposal would provide new residential accommodation in the borough, there would be increased pressure on local services. As such, the applicant is required to make contributions towards these services to off-set the additional demand in accordance with local and national policy. The application is therefore recommended for approval subject to a legal undertaking to ensure these costs are met.

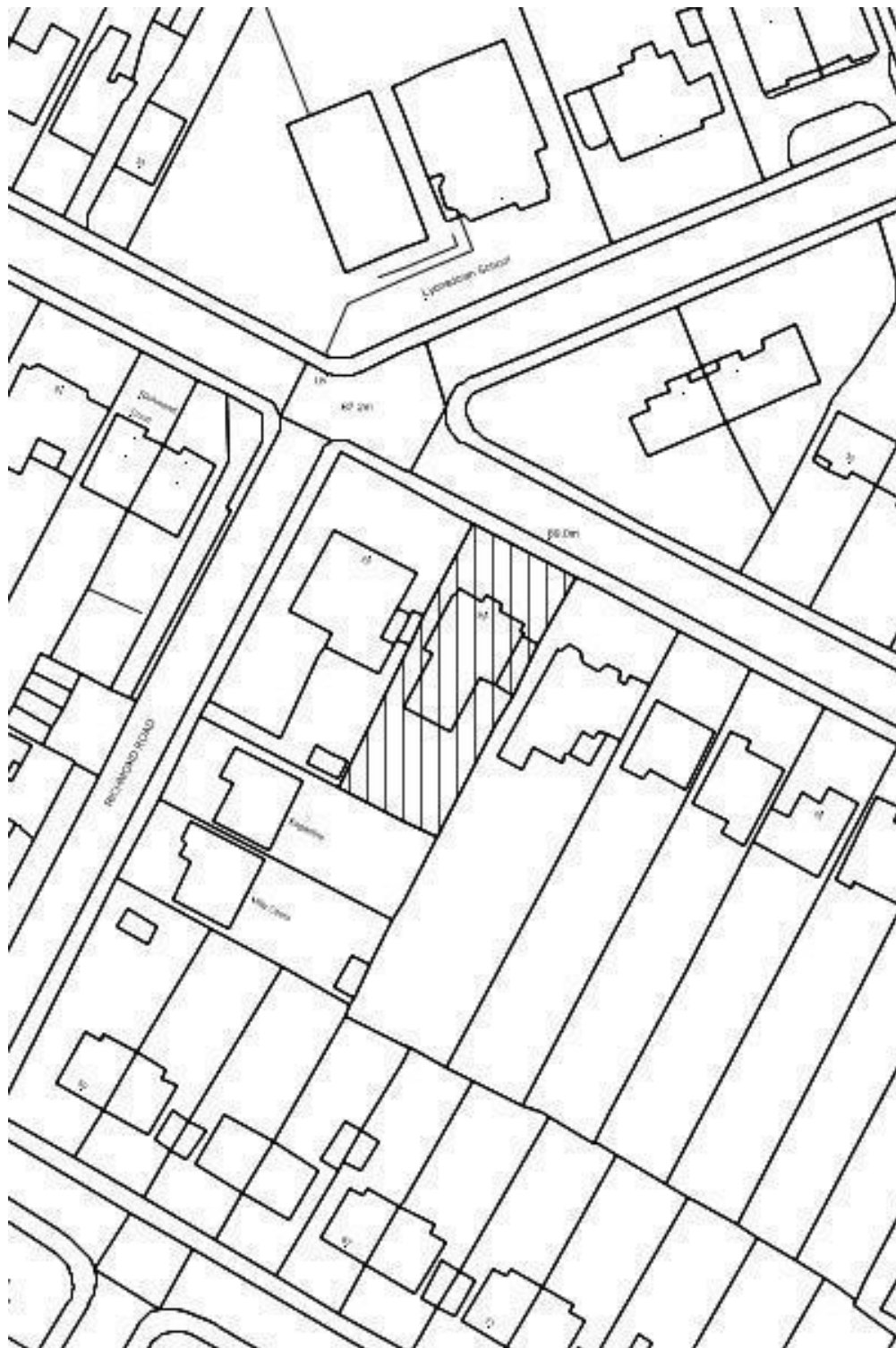
The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

### **6. CONCLUSION**

The proposed development would have an acceptable impact on the character and appearance of the area and amenities of adjoining residents. They are in accordance with planning policy and guidance and the application is therefore recommended for approval.

**SITE LOCATION PLAN:** 24 Gloucester Road, Barnet, Herts, EN5 1RZ

**REFERENCE:** B/00656/12



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**LOCATION:** Queenswell Infant and Nursery School, Sweets Way,  
London, N20 0NQ

**REFERENCE:** B/01967/12

**Received:** 17 May 2012

**Accepted:** 01 June 2012

**Expiry:** 27 July 2012

**AGENDA ITEM 11**

**WARD(S):** Totteridge

**Final Revisions:**

**APPLICANT:** Mrs Smith

**PROPOSAL:** Installation of single storey modular classroom and associated works.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Existing Site Location Plan, Proposed Site Location Plan (date received 28-May-2012), KS1204192/01/P, KS204192/02/P, (date received 29-May-2012)

Reason:

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

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

Reason:

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

3. The development hereby approved shall be constructed using the materials stated on Drawing No KS1204192/02/P.

Reason:

To safeguard the visual amenities of the locality.

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5, CS4, CS9

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

Development Management Policies (Adoption version)2012: DM01.

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

The proposed structure would not have a harmful impact on the character and appearance of the site and surrounding locality. It is not considered to have an adverse impact on the amenities of occupiers of neighbouring residential properties. The proposal is in accordance with the aforementioned policies.

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

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

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

### The Mayor's London Plan: July 2011

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

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

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D5, CS4, CS9

Core Strategy (Adoption version) 2012

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

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

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

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

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

Relevant Development Management Policies: DM01, DM02.

Relevant Planning History:

**Site Address:** Queenswell Infants & Nursery School Sweets Way Whetstone London N20 0NQ  
**Application Number:** N01346AB/07  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 11/07/2007  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Playground canopy to provide a covered area for children to play and congregate.**

**Site Address:** Queenswell Junior School Sweets Way LONDON N20  
**Application Number:** N01346V  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 14/10/1998  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of a single storey, doubledemountable classroom unit.**

**Site Address:** QUEENSWELL SCHOOLS SWEETS WAY LONDON N20 0NQ  
**Application Number:** N01346W/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 09/01/2001  
**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing Infant and Nursery School. Erection of new part single part two storey Infant and Nursery School with associated car parking, landscaping and mini football pitch, protective fencing and means of enclosure.**  
**Case Officer:** Jim Clark

**Site Address:** QUEENSWELL SCHOOL Sweets Way London N20 0NQ  
**Application Number:** N01346Z/01  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 27/02/2002  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Alterations and extensions to form 6 new classrooms to Junior School. Demolition of 3 blocks of demountable classrooms and amended parking layout.**  
**Case Officer:** Anne Watkins

**Site Address:** Queenswell Primary School Friern Barnet Lane N20  
**Application Number:** N01346  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 28/12/1967  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **erection of two classrooms, toilet and cloak accommodation - Phase I**

**Site Address:** Queenswell School Site, Surplus land adjoining Lawrence Campe Almshouses Friern Barnet Lane N20  
**Application Number:** N01346J  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 27/07/1983  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Residential development comprising seven three-bedroom, five-person and four-bedroom, six-person detached and semi-detached houses with integral garages, formation of vehicular access and estate road**

**Site Address:** Queenswell School Site - Surplus Land adjoining Lawrence Campe Almshouses Friern Barnet Lane N20  
**Application Number:** N01346K  
**Application Type:** Outline Application  
**Decision:** Approve with conditions  
**Decision Date:** 15/07/1983  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of place of workshop and caretaker's dwelling, provision of associated car parking spaces and formation of vehicular access**

**Site Address:** Queenswell Junior School Sweets Way LONDON N20  
**Application Number:** N01346T  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 22/08/1995  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **New demountable classroom block (single storey), adjacent to existing unit.**



**Site Address:** Queenswell Primary School  
**Application Number:** N01346C  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 06/09/1971  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **provision of one unit of temporary class room accommodation**

**Site Address:** QUEENSWELL SCHOOL Friern Barnet Lane LONDON N20  
**Application Number:** N01346Q  
**Application Type:** Details Application  
**Decision:** Approve with conditions  
**Decision Date:** 22/07/1987  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two and three storey block of sheltered flats for the elderly comprising 17 x 1 bedroom and 25 x 2 bedroom flats, 1 warden's flatland common room, access road and car parking areas - Details of landscaping pursuant to c**

**Site Address:** Queenswell Junior Mixed Infants School Barnet Lane N20  
**Application Number:** N01346F  
**Application Type:**  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Proposed Erection of demountable classroom at various schools**

**Site Address:** Queenswell Infants School Sweets Way N20  
**Application Number:** N01346H  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 30/04/1979  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Provision of covered way**

**Site Address:** Queenswell School Site, Surplus land adjoining Lawrence Campe Almshouses Friern Barnet Lane N20  
**Application Number:** N01346M  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 21/04/1986  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Residential development comprising 2 and 3 storey blocks of sheltered flats for the elderly.**

**Site Address:** Queenswell School Site, Surplus land adjoining Lawrence Campe Almshouses Friern Barnet Lane N20  
**Application Number:** N01346N  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 21/05/1986  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **residential development comprising 2\*3 block storey block of sheltered flats for the elderly comprising 17\*1 bedroom and 25\*2 bedroom flats, 1 warden flats and common room, access road and car parking areas**

**Site Address:** Queenswell School Site, Surplus Land adjoining Lawrence Campe  
Almshouses Friern Barnet Lane N20  
**Application Number:** N01346P  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 01/07/1986  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Residential development comprising 2 and 3 storey blocks of sheltered flats.**

**Case Officer:**

Consultations and Views Expressed:

Neighbours Consulted: 60 Replies: A letter was received with 5 signatures.

Neighbours Wishing To Speak 0

The objections received can be summarised as follows:

- The siting of the proposed classroom is too near Hyde Court.
- Concerns over increased noise
- New building should be closer to the main school

A letter was received with a comment to say that no objection was raised to the proposal.

Internal/Other Consultations:

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

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site relates to Queenswell Infants School located to the east of Sweets Way. The Infants school is located on the same site as the junior school, to the south. There are playing fields to the west and south of the buildings, tennis courts to the south and a block of purpose built flats called Hyde Court further to the south. The rear gardens of properties in Queens Avenue bound the site to the west.

Proposal:

This application seeks consent for the installation of single storey modular classroom and associated works.

The modular building will be located to the south of the main school building, before the tennis courts. It would be 2.8m high, 10.8m wide and 9.1m long. It would be sited on an existing grassed area close to the playground. It would be set off the southern boundary by 16m, off the western boundary by 25m and set off the eastern boundary by 110m.

The building would be positioned some 14m south of the main school building.

The materials to be used in the construction of the modular outbuilding are timber oak cladding. A canopy is also proposed to the side of the building, on the west elevation which would project some 1.95m outwards from the outbuilding.

#### Planning Considerations:

The application site is an existing school complex and the proposed building is considered to have limited impact on the open character and the visual amenity of the site. Sufficient space has been retained around the buildings which also serves to protect the open character of the site. The proposed building has been sensitively designed to ensure that it sits well within the site. The additional building is not considered to result in a disproportionate addition over and above the site of the original building and as such is considered to comply with council policies and guidance.

Consideration also needs to be given to the amenities of the neighbouring residents given the location of the school within a residential area. Whilst the building will be visible from residential properties to the south (those living in Hyde Court above ground level) this is at an oblique angle, with a distance of approximately 45m, it is not considered to be harmful to the amenities of the neighbouring residents. It would not be an overbearing development, but rather would fit well within its surroundings, without looking out of place.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Dealt with in the planning appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

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

**SITE LOCATION PLAN:**  
Way, London, N20 0NQ

**Queenswell Infant and Nursery School, Sweets**

**REFERENCE:**

**B/01967/12**



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**LOCATION:** St Catherines Catholic Primary School, Vale Drive,  
Barnet, Herts, EN5 2ED

**REFERENCE:** B/01924/12

**Received:** 17 May 2012

**Accepted:** 28 May 2012

**WARD(S):** Underhill

**Expiry:** 23 July 2012 **AGENDA ITEM 12**

**Final Revisions:**

**APPLICANT:** Mrs Quigley

**PROPOSAL:** Provision of single storey modular classroom and associated works.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

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

KS1204191/01/P, KS1204191/02/P, Design and Access Statement, Location Plan, Site Plan (date received 17-May-2012)

Reason:

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

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

Reason:

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

3 The development hereby approved shall be constructed using the materials stated on Drawing No KS1204191/02/P.

Reason:

To safeguard the visual amenities of the locality.

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5, CS4, CS9

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

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

The proposed structure would not have a harmful impact on the character and appearance of the site and surrounding locality. It is not considered to have an adverse impact on the amenities of occupiers of neighbouring residential properties. The proposal is in accordance with the aforementioned policies.

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development planThe NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

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

### The Mayor's London Plan: July 2011

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

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

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D5, CS4, CS9

Core Strategy (Adoption version) 2012

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

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

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

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

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

Relevant Development Management Policies: DM01, DM02.

Relevant Planning History:

**Site Address:** St Catherines Catholic Primary School, Vale Drive, Barnet, Herts, EN5 2ED  
**Application Number:** 00114/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 10/03/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension and refurbishment including, single storey rear extension and single storey front extension at lower ground level, two storey rear extension at ground and first floor levels, single storey front and side extensions at ground floor level, and associated internal alterations. Two additional parking spaces.**  
**Case Officer:** Lisa Cheung

**Site Address:** St Catherines Catholic Primary School, Vale Drive, Barnet, Herts, EN5 2ED  
**Application Number:** 02051/10  
**Application Type:** Conditions Application  
**Decision:** Approve  
**Decision Date:** 15/07/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of conditions (4) (Refuse), (13) (Car Parking), (15) (Method Statement and Construction Management Plan), (11) (Parking Spaces and Cycle Spaces), pursuant to planning permission (B/00114/10) dated (09 March 2010).**  
**Case Officer:** Lisa Cheung

**Site Address:** St Catherines Catholic Primary School, Vale Drive, Barnet, Herts, EN5 2ED  
**Application Number:** 03235/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 29/09/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Installation of new boiler flue.**  
**Case Officer:** Lisa Cheung

**Site Address:** St Catherines Catholic Primary School, Vale Drive, Barnet, Herts, EN5 2ED  
**Application Number:** 03712/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 15/11/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension and refurbishment including, single storey rear extension and single storey front extension at lower ground level, two storey rear extension at ground and first floor levels, single storey front and side extensions at ground floor level, and associated internal alterations.**  
**Case Officer:** Lisa Cheung

**Site Address:** St Catherines Catholic Primary School, Vale Drive, Barnet, Herts, EN5 2ED  
**Application Number:** B/00660/11  
**Application Type:** Conditions Application  
**Decision:** Approve  
**Decision Date:** 12/04/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of condition Nos. 3 (Materials); No.4 (Refuse); No.10 (Parking); No.11 (Car Parking Management Plan) pursuant to planning permission Ref: B/03712/10 dated: 15/11/2010**  
**Case Officer:** Lisa Cheung

**Site Address:** St Catherines Catholic Primary School, Vale Drive, Barnet, Herts, EN5 2ED  
**Application Number:** B/02424/11  
**Application Type:** Material Minor Amendment/Vary Condition  
**Decision:** Approve with conditions  
**Decision Date:** 20/07/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Removal of condition No.3 pursuant to planning Ref: B/03235/10 dated: 29/9/2010 ("Installation of new boiler flue").**  
**Case Officer:** Lisa Cheung

#### Consultations and Views Expressed:

Neighbours Consulted: 15                      Replies: 0  
Neighbours Wishing To Speak 0

Given the site notice has not expired, any replies received will be reported at the meeting.

#### Internal /Other Consultations:

- Thames Water Devt Control -

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your



neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

Date of Site Notice: 5th July 2012.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to St Catherine's School, located on the eastern side of Vale Drive. The area is predominantly residential in character, comprised of single family two storey semi-detached dwellings.

The site boundaries include the A1000 Barnet Hill which runs at an elevated position above the site along the whole north east boundary. To the north of the site, adjacent to the school is Vale Drive Medical Centre. To the north east is High Barnet Tube station.

The school was built in the 1950's and is a system build with a concrete frame. The frame is filled in with brick and steel framed single pane windows. The school as existing is in need of refurbishment and general modifications.

There are level changes on the site itself and adjacent to the site. This is currently depicted in the existing built form on site which is staggered in height to reflect the changing levels. The medical centre sits at a higher level than the application site.

Parking is provided on site to the front of the school, accessed off Vale Drive.

### Proposal:

This application seeks consent for the provision of single storey modular classroom and associated works.

The modular classroom building would measure 5.4m wide, 4.6m deep and 2.75m high with a flat roof. A canopy is proposed, extending off the northeastern elevation of the building to a depth of 3m. The building will be positioned to the rear of the nursery, in the southern part of the site. Given its location, there would be limited visibility of the structure from Vale Drive.

The plans submitted indicate that the materials to be used in the construction of the building will be white plastisol cladding and timber cladding.

### Planning Considerations:

The application site is an existing school complex and the proposed building is considered to have limited impact on the character and the visual amenity of the site. Sufficient space has been retained around the buildings and the building would be a proportionate addition to this site. The proposed building has been sensitively

designed to ensure that it sits well within the site.

Consideration also needs to be given to the amenities of the neighbouring residents given the location of the school within a residential area. Given the siting of the building behind the nursery, it would be largely screened from Vale Drive and the building is not considered to harm the visual amenities of those living in Vale Drive.

The proposal would be some 38m from the rear boundaries of homes to the south fronting Mays Lane and as such would not adversely affect the amenities of these residents.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

None received.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

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

**SITE LOCATION PLAN: St Catherines Catholic Primary School, Vale Drive, Barnet, Herts, EN5 2ED**

**REFERENCE: B/01924/12**



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**LOCATION:** 26 Hamilton Way, London, N3 1AN

**REFERENCE:** F/02052/12

**Received:** 25 May 2012

**Accepted:** 28 May 2012

**WARD(S):** West Finchley

**Expiry:** 23 July 2012

**AGENDA ITEM 13**

**Final Revisions:**

**APPLICANT:** Mr & Mrs Baruch

**PROPOSAL:** Part single storey, part two storey side and rear extension including rear terrace. Creation of basement including lightwell. Extension to roof including rooflights on all elevations and dormers on West and North elevations to facilitate a loft conversion.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0434/01A; 0434/10C; 0434/11C; 0434/12B; 0434/13B; 0434/15C (Date Stamped 17 July 2012); 0434/16C (Date Stamped 17 July 2012); 0434/17C (Date Stamped 17 July 2012); 0434/18; 0434/19; 0434/20A.

Reason:

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

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

Reason:

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

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and the surrounding area.

4. Before the building hereby permitted is occupied the proposed dormer windows in the side elevation facing 28 Hamilton Way shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those

expressly authorised by this permission, shall be placed at any time in the approved development.

Reason:

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

### **INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5 & H27.

Local Development Framework:

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

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

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

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

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

### The Mayor's London Plan: July 2011

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

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

### Relevant Unitary Development Plan Policies:

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

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

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

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

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

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

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

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The

SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

### Core Strategy (Adoption version) 2012

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

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

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

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

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

Relevant Development Management Policies: DM01, DM02.

### Relevant Planning History:

**Site Address:** 26 Hamilton Way London N3 1AN  
**Application Number:** C10618A/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 11/04/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey side extension.**  
**Case Officer:**

**Site Address:** 26 Hamilton Way London N3 1AN  
**Application Number:** C10618C/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/11/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two-storey side extension incorporating a roof terrace.**  
**Case Officer:**



**Site Address:** 26 Hamilton Way London N3  
**Application Number:** C10618D/01  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 17/12/2001  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey side extension incorporating garage with vehicular access from Hamilton Way.**

**Case Officer:**

**Site Address:** 26 Hamilton Way London N3 1AN  
**Application Number:** C10618E/04  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 31/01/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two-storey side and rear extension.**  
**Case Officer:** Peter Alsop

**Site Address:** 26 Hamilton Way London N3 1AN  
**Application Number:** C10618F/05  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 10/06/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey side extension.**  
**Case Officer:** Peter Alsop

**Site Address:** 26 Hamilton Way London N3 1AN  
**Application Number:** C10618G/05  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/10/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two-storey side and rear extensions. Excavation of semi-basement to form habitable room.**  
**Case Officer:** Peter Alsop

**Site Address:** 26 Hamilton Way London N3 1AN  
**Application Number:** C10618H/07  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 02/04/2007  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two-storey side and rear extensions. Excavation of lower ground floor to form habitable room. Extended loft accommodation with roof windows.**  
**Case Officer:** Claire Thorley

#### Consultations and Views Expressed:

Neighbours Consulted: 25                      Replies: 6  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Concerns about future use of the dwelling;

- Concerns about overlooking from the dormer;
- Nuisance contractors;
- Increased heavy vehicles traffic;
- Site has been a building site for 3 to 4 years already;
- Dust and dirt has been deposited on Hamilton Road;
- Building is not in keeping with the other dwellings of the road;
- Opposition to the principle;
- HGVs damage cars when accessing the site;
- Over development of the site.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a detached house on the west side of Hamilton Way at the point at which the tarmac road (adopted highway) turns at right angles and becomes an unsurfaced private road. The property is unique in its location and situation: the only immediate neighbour to the house is number 28 Hamilton Way to the south west which has a much larger footprint to that of 26, and the other surrounding houses in Hamilton Way are terraced. The garden of the property faces north-west and is parallel to the road leading down towards 24 Hamilton Way. There is a change in level of several metres from north to south across the site.

The house has been extended in the part through a part single, part two storey side extension on the south east side. There have been a number of previously approved extensions for further two storey and single storey extensions to the side and rear of the house in addition to a semi-basement.

Works have been taking place for a number of years which has been highlighted by objectors .

### Proposal:

The proposal relates to a part single storey, part two storey side and rear extension including rear terrace; the creation of basement including lightwell; extension to roof including rooflights on a number of elevations and dormers on West and North elevations to facilitate a loft conversion.

The application follows the previously approved applications which have now expired but the applicant has indicated to the Local Planning Authority that works began within 3 years of the dated of the last approved application, C10618H/07 dated 02/04/2007.

### Planning Considerations:

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

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

General Policy GBEV1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

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

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

Policy H27 of the Unitary Development Plan (2006) states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

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

The changes which have been made to the application relate a new roof (reducing the overall height of the building by 0.8 metres – reduced eaves and ridge line), first floor infill extension closest to the boundary with no. 28, excavation of a larger basement and the insertion of additional windows and a lightwell.

The additional basement area and new external stairs to the side elevation (from ground level to basement level) are not considered to be detrimental to either the character or appearance of the area or to the amenities of neighbouring occupiers. New low level window are proposed in the east and west elevations to provide light to the extended basement area.

It is considered that the alterations the front (east elevation) are closest to the ground and are obstructed from view from the street by the properties front boundary wall and planting, as such it is not considered to be detrimental to the character of the property or street scene.

The proposed alterations to the roof in the roof of increase the angle of the roof over the extensions below at first floor and the original building, the proposed dormer windows and the rooflights are considered to accord with Council Guidance (Note No.5 – Extensions to Houses). It is not considered that these extensions would cause any significant detriment to the amenities of neighbouring occupiers as stated in Design Guidance (Note No. 5 – Extensions to Houses).

It is the requirement of the UDP to protect and enhance the character of the boroughs built environment and to give a reasonable degree of privacy to properties by requiring a minimum distance of 21 metres between the windows of habitable rooms facing one another.

There proposed rooflights means that there will be a negligible increase in overlooking. However, even if this were not the situation the distance between the proposed windows and any windows facing in the property is greater than 21 metres to the north and east of the application site.

The proposed dormer windows fronting no. 28 are to be conditioned to be obscure glazed.

Whilst the original house has been extended already and planning permission exists for further extensions, the unique plot and location of the property are such that it is able to accommodate further extensions without jeopardising the integrity or character of the original property, or the amenities of neighbouring occupiers.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The application has amended is considered to have addressed to concerns of the objectors on character and amenity grounds. There is a condition attached to this recommendation restricting working hours.

### **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**

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

The Local Planning Authority have considered this current scheme to have an acceptable impact on neighbours occupiers.

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is recommended for **APPROVAL**.

**SITE LOCATION PLAN: 26 Hamilton Way, London, N3 1AN**

**REFERENCE: F/02052/12**



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**LOCATION:** 421-423 High Road, London, N12 0AP

**REFERENCE:** F/00972/12

**Received:** 09 March 2012

**Accepted:** 23 March 2012

**WARD:** Woodhouse

**Expiry:** 18 May 2012

**AGENDA ITEM 14**

**Final Revisions:**

**APPLICANT:** Safeland PLC

**PROPOSAL:** Conversion of upper floors to form 8no self contained flats incorporating demolition of existing back addition and erection of new extension and formation of new entrance within front elevation and parking spaces. (Amended Description & Plans).

**APPROVE SUBJECT TO UNILATERAL UNDERTAKING**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £9,459.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £695.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £11,738.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Open Spaces (ward level) £3,000.00**  
A contribution towards the improvement of open spaces in the Woodhouse and/or East Finchley wards.
- 7 **Monitoring of the Agreement £1,244.60**  
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: F/00972/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4269 01, 4269 02 B, 4269 03 B, 4269 04 B, 4269 05 B, 4269 06 B and design and access statement .

Reason:

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

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

Reason:

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

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

Reason:

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

4. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and the surrounding area.

5. 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.

6. 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.

7. The roof of the building hereby approved 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.

8. 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.

9. Details of any extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority before their installation and implemented in accordance with agreed details.

Reason:

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

10. 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.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

- 13 The level of noise emitted from any plant installed on site 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.

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 GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

15. The layout of the flats hereby permitted shall remain as shown on the hereby approved drawings.

Reason:

To protect the amenity of existing and future occupiers.

#### **INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, L11, GEMP1, EMP2, L11, GCS1, CS2, CS8, CS13, IMP1 and IMP2.

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

Development Management Policies (Adoption version)2012: DM01, DM02, DM03, DM08, DM14 and 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, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposals are acceptable on highway grounds. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. The applicant and agent are reminded that this consent does not grant consent for the change of use for the commercial element of the plans as this has not been applied for. Until a change of use application has been approved, the lawful use remains as a car show room.
3. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £8,050.

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from:

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

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

[street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

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

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

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

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

### **RECOMMENDATION III**

That if an agreement has not been completed by 31/08/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management should REFUSE the application F/00972/12 under delegated powers for the following reason:

1. The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to

Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies M14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

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

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

### The Mayor's London Plan July 2011:

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

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

### Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, L11, GEMP1, EMP2, L11, GCS1, CS2, CS8, CS13, IMP1 and IMP2.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The

SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

### Core Strategy (Adoption version) 2012

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

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

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

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

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

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM03, DM08, DM14 and DM17.

### Relevant Planning History:

No relevant planning history.

### Consultations and Views Expressed:

Neighbours Consulted: 53  
Neighbours Wishing To 1  
Speak

Replies: 5

The objections raised may be summarised as follows:

- Parking/ Over-congestion in the area already.
- Disruption to neighbouring properties and risk of burglary during construction.

### Internal /Other Consultations:

- The Traffic and Development Team have no objections to the amended application.

### Date of Site Notice: 05 April 2012

A second round of public consultation was carried out following amendments to the application.

## **2. PLANNING APPRAISAL**

Site Description and Surroundings: The application site consists of a car show room, vacant office building in the Woodhouse ward. The application site lies on the west side of the road, close to the A406 junction with the High Road.

Proposal: The application seeks consent for the conversion of upper floors to form 8 no self contained flats incorporating demolition of existing back addition and erection of new extension and formation of new entrance within front elevation. The application has been significantly amended since submission resulting in an amended design and the provision of 4 off street parking spaces.

### Planning Considerations:

#### Existing Employment Use

The site has a current employment use with the car show room and associated offices in addition to three existing flats. Although some of this employment space will be lost, the scheme does retain commercial floor space on the ground floor. Although it has been divided up into two separate units. The application is considered to be acceptable on these grounds and is compliant with policies GEMP1 and EMP2 of the adopted UDP, CS8 of the Core Strategy and DM14 of the Development Management Policies.

#### Design

National, regional and local guidance have policies that seek to promote the redevelopment of Brownfield sites for residential use providing they are acceptable in terms of character and will not harm the amenities of future occupants or any of the adjoining uses. Policies such as H2, H16 and H17 relate to this in the Unitary development Plan and indicate that the Council will seek to provide additional homes providing that certain criteria has been conformed to. The various aspects of the application have been broken down and discussed below.

The NPPF has recently been adopted. The relevant sections are as follows:

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – ... by ensuring that sufficient land of the right type

is available in the right places and at the right time to support growth and innovation

- a social role – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

It is considered that the amended application complies with the above sections of the NPPF.

Policy H16 of the adopted *Unitary Development Plan* is a housing policy which states that new residential developments should harmonise with and respect the character of the area within which they are situated and should:

- Be well laid out in terms of access, car parking and landscaping;
- Provide and preserve adequate daylight, outlook and residential amenity;
- Provide a safe and secure residential environment;
- Maintain privacy and prevent overlooking; and
- Provide adequate levels of private garden or amenity space.

Policy GBEnv1 of the adopted *Unitary Development Plan* is a general policy stating that the Council will protect and enhance the quality and character of the Borough's built and natural environment.

Policy GBEnv2 of the adopted *Unitary Development Plan* is a general policy including the statement that the Council will require high quality design in all new development in order to enhance the quality of the Borough's built and open environment, to utilise environmentally friendly methods of construction, to improve amenity, to respect and improve the quality of environment of existing and future residents.

Policy D1 of the adopted *Unitary Development Plan* is a Design policy stating that the all new developments should represent high quality design.

Policy D2 of the adopted *Unitary Development Plan* is a Design policy stating that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

The proposed development has been designed to relate to both adjoining properties in that the eaves line matches the height of the properties in Glebe Road whilst remaining consistent with the design of the main building and the apex of the roof is the same height of the eaves on 19 Lodge Lane. The building has also been set



back from the foot way to allow for an area of landscaping and to reduce the impact of the development.

The footprint of the proposed building is in keeping with the area and is considered to be acceptable. The bulk, siting, scale and general proportions of the proposed building would be in character with the surroundings and sit comfortably within the site. The proposal is not considered to cause harm to the character and appearance of the street scene or wider area. The external appearance of the building is also considered to be acceptable. The proposed boundary enclosure and landscaping would provide an acceptable setting for the building.

### Proposed Residential Units

All the flats comply with the London Plan's space standards and as such the layout is considered to be acceptable. Private amenity space is provided in the form a small courtyard and rear amenity area. This provision falls short of the UDP standards. However this is mitigated by the willingness of the applicant to contribute towards local parks.

Refuse and re-cycling storage is to be provided to the rear next to the access path adjoining properties in Glebe Avenue and on to the Glebe Avenue elevation itself. A condition is attached to this decision requesting that this is implemented before occupation. A condition has also been attached to ensure the soundproofing between the units is sufficient to prevent loss of amenity in terms of noise between the flats.

There are therefore no objections on these grounds.

### Amenity Space

Council Policy H18 refers to amenity space standards. For flats the requirement is 5 square metres of space per habitable room. There are three existing units which do not have access to amenity space. The council is therefore unable to ask for amenity space for these units. The scheme provides amenity space for a further two units, leaving three units without any. To address this problem, £1000 for each of the three flats is sought towards the provision of open space in the borough. The total amount would be £3,000.

### Neighbouring Amenity

Policy H17 of the Adopted Unitary Development Plan (2006) requires a minimum distance of 21 metres in new developments between facing windows to habitable rooms to avoid overlooking - the proposed buildings accord with this policy. The application is considered to accord with this policy.

Policy D5 of the adopted *Unitary Development Plan* is a Design policy states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. It is considered that the building has been designed to minimise impact on the adjoining properties. The application is acceptable in terms of policy D5 also.

## Parking/ Access

There is currently no parking available for the existing use with 4 being provided, including a disabled space for the flats. The parking requirement for the proposed development would be between 3 to 7.5 parking spaces, taking into account that there are no parking spaces for the three existing flats, it is considered that the proposal meets the parking standards set out in the UDP 2006.

## Sustainability

Sustainable development is a key priority of Central Government and the Council. Any new major residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes. A condition has been attached to ensure that this is the case.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The Traffic and Development Team have no objections to the application.

Disruption to neighbouring properties during construction is not a material planning consideration.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. SECTION 106 ISSUES**

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

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future education needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Education. A sum of £9,459 would satisfy this requirement.

Policy CS2 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities. A contribution will be sought for the provision of library services in the borough in line with the council's Supplementary Planning Document on Contributions to Library Services. A sum of £695 would satisfy this requirement.

Policy CS13 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of healthcare facilities. A contribution will be sought for the provision of healthcare services in the borough in line with the council's

Supplementary Planning Document on Contributions to Health Facilities from Development. A sum of £11,738 would satisfy this requirement.

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. The amount of contribution being sought would depend upon the final scheme. In February 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations. A sum of £1,244.60 would satisfy the monitoring requirement.

The total amount payable, including the open space contribution, would therefore be £26,136.60 which is to be secured by a unilateral undertaking. This includes the open space contributions.

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

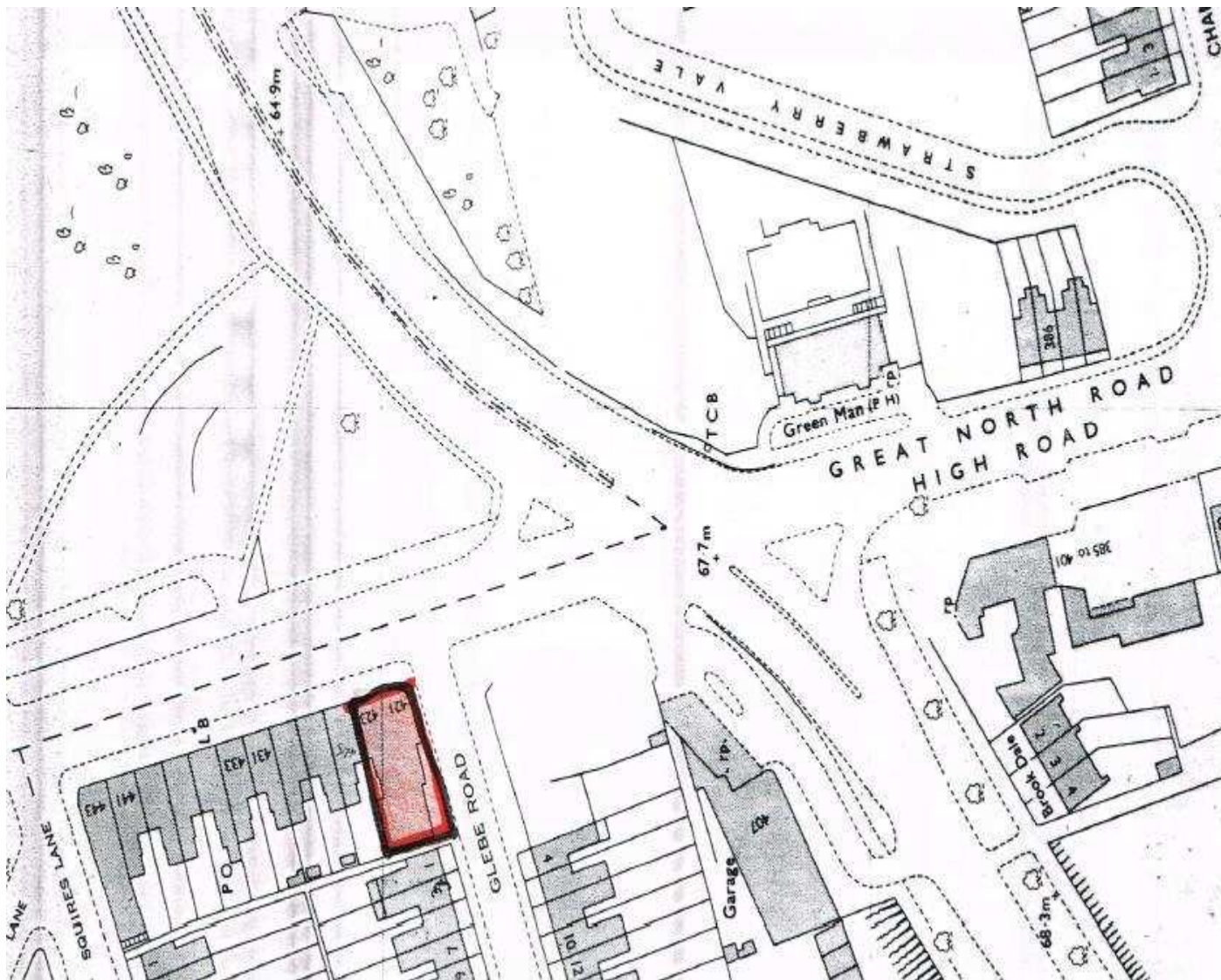
## **6. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposals are acceptable on highway grounds. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

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

**SITE LOCATION PLAN:** 421-423 High Road, London, N12 0AP

**REFERENCE:** F/00972/12



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