

**MEETING**

**EAST AREA PLANNING SUB-COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 5TH SEPTEMBER, 2012**

**AT 7.00 PM**

**VENUE**

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

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

Chairman: Councillor Andreas Tambourides (Chairman),  
Vice Chairman: Councillor Bridget Perry (Vice-Chairman)

**Councillors**

Alison Cornelius	Alan Schneiderman	Joanna Tambourides
Arjun Mittra	Stephen Sowerby	Jim Tierney
Barry Rawlings	Andrew Strongolou	

**Substitute Members**

Rowan Turner	David Longstaff	Lisa Rutter
Pauline Coakley Webb	Kath McGuirk	Brian Salinger
Brian Coleman	Alison Moore	
Anne Hutton	Robert Rams	

**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 2761

Media Relations contact: Sue Cocker 020 8359 7039

**CORPORATE GOVERNANCE DIRECTORATE**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Declaration of Members Personal and Prejudicial Interests	
4.	Public Question Time (if any)	
5.	Members' Items (if any)	
6.	Applications for Planning Permission and Consent under the Advertisements Regulations	
	<b>Coppetts Ward</b>	
7.	Land off Hampden Road, N10 2HP - B/00743/12	1 - 18
	<b>Totteridge Ward</b>	
8.	19 Priory Close, London, N20 8BB - TPO/00305/12/B	19 - 28
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9.	197 Ballards Lane, London, N3 1LP - F/01117/12	29 - 34
10.	36 Oakdene Park, London, N3 1EU - F/02040/12	35 - 42
11.	Fursby House, 146 Nether Street, London, N3 1PG - F/02453/12	43 - 60
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12.	421-423 High Road, London, N12 0AP - F/00972/12	61 - 76
13.	The Compton School, Summers Lane, London, N12 0QG - F/02897/12	77 - 82
14.	Any items that the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

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**LOCATION:** Land off Hampden Road, N10 2HP

**REFERENCE:** B/00743/12

**Received:** 23 February 2012

**Accepted:** 23 February 2012

**WARD:** Coppetts

**Expiry:** 19 April 2012

**AGENDA ITEM 7**

**Final Revisions:**

**APPLICANT:** Mr P Antoniadis

**PROPOSAL:** Extension to the time limit for implementing planning permission reference B/01412/09 dated 29/06/2009 for "Erection of 2No. 3 bedroom houses with ancillary parking and landscaping."

**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) £15,598.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £488.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,364.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £972.50**  
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/00743/12 under delegated powers subject to the following conditions: -

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

Reason:

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

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

Reason:

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

3. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan HR/01A 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 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.

6. 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.

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

Reason:

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

8. 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. Before the building hereby permitted is occupied the proposed window(s) in the ground and first floor elevation facing east and west 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.

10. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority . No additional windows to be placed in the east and west flanks

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E and F of Part 1 to Schedule 2 of that Order shall be carried out within the area of the proposed new dwellings hereby approved without the prior written permission of the local planning authority.

Reason:

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

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

Reason:

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

17. No development shall take place until details of a construction management plan have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Location of materials storage and site accommodation
  - Schedule of works including likely timescales
  - Details of the hours of delivery/collection of materials to and from the site



- Details of contractor parking

The construction shall be carried out in accordance with the details as approved.

Reason:

To safeguard residential amenity and ensure a satisfactory appearance to the site during construction works

### **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, D5, D11, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, IMP1, IMP2

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

Development Management Policies (Adoption version) 2012: DM01, DM02, DM03, DM04, DM17.

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

The proposed development would not have a significantly detrimental impact upon the amenities of neighbouring occupiers nor upon the character or appearance of the built environment in this area. The proposed parking is in accordance with the parking standards.

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 £9,324.00.

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)

3. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
4. The applicant is advised that Fire appliances require access to a point that is within 45 metres of suitable entrance to any dwelling (Fire Safety Guidance Number 29 – Access for Fire Appliances). Part of the proposed development is located outside the recommended distance from Hampden Road. Emergency Services should be contacted to ensure that access arrangements are adequate.

### **RECOMMENDATION III**

That if an agreement has not been completed by 02/11/2012, that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management should REFUSE the application B/00743/12 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 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.

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: GBEnv1, GBEnv2, D1, D2, D3, D5, D11, M11, M12, M13, M14, H16, H17, H18, CS2, CS8, IMP1, IMP2

Supplementary Planning Document: Planning Obligations;

Supplementary Planning Document: Contributions to Education;

Supplementary Planning Document: Contributions to Libraries;

Supplementary Planning Document: Contributions to Healthcare Facilities from Development

Supplementary Planning Document: Sustainable Design and Construction

### Core Strategy (Adoption version) 2012

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

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

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

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

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

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM03, DM04, DM17.

## Relevant Planning History:

**Site Address:** Land off Hampden Road, London, N10 2HP  
**Application Number:** 01412/09  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 29/06/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Renewal of application N13371G/06 for an erection of 2no. 3 bedroom houses with ancillary parking and landscaping.**  
**Case Officer:** Lisa Cheung

**Site Address:** Land off Hampden Road London N10  
**Application Number:** N13371A/03  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 19/08/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of extension to existing building and conversion into 4no. self-contained residential units and erection of 2no.chalet style bungalows with integral garages and associated changes to landscaping.**

**Site Address:** Land off Hampden Road London N10  
**Application Number:** N13371D/05  
**Application Type:** Conditions Application  
**Decision:** Approve with conditions  
**Decision Date:** 14/09/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of reserved matters (design of the buildings and landscaping), materials and refuse storage pursuant to Conditions 1, 6 and 11 of planning permission N13371/02 dated 13.01.03.**

**Site Address:** Land off Hampden Road London N10  
**Application Number:** N13371/02  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/01/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing building and erection of 2no. chalet-style bungalows with associated car-parking and landscaping (OUTLINE).**

**Site Address:** Land off Hampden Road Muswell Hill London N10  
**Application Number:** N13371C/04  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 12/08/2004  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing building and erection of three single storey (plus mansard) terrace dwellings with ancillary parking and landscaping.**  
**Case Officer:** James Rodger

**Site Address:** Land off Hampden Road Muswell Hill London N10  
**Application Number:** N13371B/03  
**Application Type:** Full Application

**Decision:** Refuse  
**Decision Date:** 23/12/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing building and erection of four single-storey (plus mansard) terraced dwellings with ancillary parking and landscaping.**

**Site Address:** Land off Hampden Road London N10 2HP  
**Application Number:** N13371G/06  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 17/08/2006  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of 2No. 3 bedroom houses with ancillary parking and landscaping.**

**Site Address:** Land Off Hampden Road, to the rear of Hampden Court, London, N10 2HP  
**Application Number:** B/04366/10  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 8/11/2011  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 8/11/2011  
**Proposal:** **Erection of a two storey residential block consisting of 6no. two bedroom flats with off-street parking and communal amenity space.**  
**Case Officer:** Lisa Cheung

**Site Address:** Land to the rear of 53 Pembroke Road, London, N10 2HX  
**Application Number:** B/01244/11  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 12/08/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Change of use of part of the existing building on land to the rear of Hampden Court for the keeping of dogs.**  
**Case Officer:** Lisa Cheung

#### Consultations and Views Expressed:

Neighbours Consulted: 97                      Replies: 6  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Loss of light
- Loss of privacy
- Noise pollution
- Environmental pollution
- Intruders could access neighbouring properties far easier
- Overcrowding
- This will not bring any value to the community
- Dog breeding still continues on this land
- The owner is trying to make a profit on this bit of land
- Building would be oppressive
- Additional traffic
- Loss of many mature trees
- Overlooking

### Internal /Other Consultations:

Highways - The proposal is for extension of time limit to implement permission reference B/01412/09 for erection of 2 no 3-bedroom houses with ancillary parking and landscaping.

The same comments to previously approved application N13371G/06, and subsequent renewal B/01412/09 apply to this application as no changes to the highways aspect of the development were made.

Recommend conditions.

Date of Site Notice: 01 March 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a triangular shaped area of land at the rear of properties along Pembroke Road, Hampden Road and Crown Road. Vehicular access to the plot of land is via an existing entrance which runs adjacent to 1-6 Hampden Court. There is an informal parking area to the rear of Hampden Court close to the application site which is for the residents of Hampden Court. Currently the site itself is overgrown and fly tipping is evident.

### Proposal:

This application seeks permission to extend the time limit for implementing the previous planning approval given under planning reference B/01412/09 dated 29/06/2009. This application was for the erection of 2no. 3 bedroom houses with ancillary parking and landscaping. As indicated in the planning history section of the report, numerous applications have been submitted for the redevelopment of this site. The current proposal, for 2no 3 bedroom houses was first approved in 2006 under planning reference

A pair of two storey, semi detached single family dwellings are proposed in a north facing orientation facing the rear of Hampden Court. The east flank of the properties would run parallel to the rear boundary of gardens belonging to properties along Pembroke Road with a gap to 6m to the boundary. The footprint would be 10.8m in width and 11.4m in length with ground floor bay windows to the rear of the properties at 0.7m in depth. Ground floor raised bays are also proposed to the front elevation which would be 0.3m deep. The first floor element of the proposal would overhang the front of the ground floor by 1m creating a protective eave over the front doors to the properties.

A shallow hipped and pitched roof would rise from eaves of 5.7m in height to a ridge of 6.8m in height. A step would occur to the rear half of the property manifesting itself in a 0.5m drop to the rear roof slope.

Both properties would have three bedrooms and a bathroom at first floor level with a kitchen and living/dining area downstairs.

Parking for two vehicles would be provided on a hard surface to the front of the property. The proposal also includes the provision of additional parking to the rear of Hampden Court.

A fence would run to the rear of the proposed properties leaving the western property with 176 square metres and the eastern with 365 square metres of amenity space.

Access would be by way of the existing entrance to the rear of Hampden Court.

#### Planning Considerations:

This application needs to consider the following issues:

- The compliance of the proposed development with current policies
- Any changes in the area which may have a significant impact on the previous grant of permission

#### Proposed siting, character and appearance:

The principle of developing this site for residential purposes is considered acceptable. There have been little changes in planning policies and guidance since 2009 which would now suggest that the development of this site for residential purposes would be unacceptable. The previous applications are a material consideration when assessing this application.

It was previously considered that 2 houses of the size and siting proposed can be accommodated without causing significant harm to the amenities of neighbours or to the character of the area. The consideration of this proposal was made with reference to policies within the adopted London Borough of Barnet Unitary Development Plan 2006. This document is still relevant. Therefore the policies referred to in the previous application are considered relevant for the current application. However the emerging Core Strategy and Development Management Policies DPD also apply to this application.

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment. This proposal is considered to comply with this policy. The site itself goes largely unused and is now overgrown. It does not offer any positive contribution to the appearance of the site and whilst it may not be highly visible from the street, it is from neighbouring properties along Pembroke Road, Hampden Road and Crown Road. The site is considered large enough to accommodate the two dwellings proposed whilst allowing sufficient spacing for visual relief and meaningful landscaping.

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:

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. 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.

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

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

The 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.

Adequate amount of amenity space would be provided in line with policy H18 within the UDP. The parking proposed is also in accordance with standards set out within the UDP. The existing vehicular access is narrow, however the proposed development is unlikely to result in a significant increase in the use of it.

Policy H17 relating to privacy standards has been met. There is a minimum distance of 21 m to facing windows to both the north and south and a distance of at least 10.5m to neighbouring gardens.

#### 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:

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 two additional residential units 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 £15,598.00 (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 £488.00 (at the time of determining this application) plus a monitoring fee of 5%.

#### Contributions to Health facilities

The proposal would provide two additional residential units 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 £3,364.00 (at the time of determining this application) and a monitoring fee of 5%.

The applicant is willing to pay the necessary contributions and a Unilateral Undertaking is currently being drafted (at the time of writing this report).

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

Mainly dealt with in the planning appraisal. However the following comments can be made:

- Noise during construction works is not a material planning consideration.

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

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

#### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that the proposed development as previously approved 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. 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 off Hampden Road, N10 2HP

**REFERENCE:** B/00743/12



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**LOCATION:** 19 Priory Close, London, N20 8BB

**REFERENCE:** TPO/00305/12/B **Received:** 29 May 2012

**WARD:** TO **Expiry:** 24 July 2012

**CONSERVATION AREA** Totteridge

**AGENDA ITEM 8**

**APPLICANT:** Metamorphosis Design

**PROPOSAL:** 8 x Conifer (1, 3, 4, 5, 6, 7, 8 and 9 of Plan as confirmed by Metamorphosis Design in e-mail dated 25th July 2012) and 3 x Sycamore (2, 3 and 4 Applicant's Plan received by the Council on the 29th May 2012) - Remove. Standing in Area A1 of Tree Preservation Order.

### **RECOMMENDATION:**

#### **SPLIT DECISION:**

That the Council REFUSES CONSENT TO REMOVE 8 X CONIFER (1, 3, 4, 5, 6, 7, 8 and 9 of Plan as confirmed by Metamorphosis Design in e-mail dated 25th July 2012) and 1 x Sycamore (4 Applicant's Plan received by the Council on the 29th May 2012) standing in area A1 of the Tree Preservation Order, at 19 Priory Close, London, N20 8BB for the following reason:

The proposal will involve the loss of trees of special amenity value.

But that the Council GRANTS CONSENT TO REMOVE 2 X SYCAMORE (2 and 3 Applicant's Plan received by the Council on the 29th May 2012) standing in area A1 of the Tree Preservation Order, at 19 Priory Close, London, N20 8BB, subject to the following conditions:

1. The species, size and siting of the replacement trees shall be agreed in writing by the Local Planning Authority and the trees shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement trees shall be maintained and/or replaced as necessary until 2 new trees are established in growth.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

#### **INFORMATIVE:**

1. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

## NOTES:

- 1 Your attention is drawn to Part 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and if you are aggrieved by the decision of the Local Planning Authority you may appeal to the Secretary of State for Communities and Local Government, c/o The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN within 28 days of receipt of this decision.
- 2 The works subject of this consent must be completed not later than two years from the date of this grant of consent.
- 3 If you are not the owner of the tree(s) you are advised to consult with and where necessary obtain the permission of the owner before taking any further action with regard to the treatment.
- 4 Fuller details about the Local Planning Authority's decision are included in the delegated / Committee report.

## Consultations

Date of Press and Site Notices: 7<sup>th</sup> June 2012

Consultees:

Neighbours consulted: 13

Replies: 7 objections - including Totteridge Residents Association

The grounds of objection can be summarised as:

- The removal of the trees will lead to a loss of privacy/spoil the view.
- We understand that the removal of these trees is for cosmetic reasons only and to facilitate the proposed development.
- The Council should not allow the removal of protected trees unless it is absolutely necessary/they represent a danger to anyone. Permission for unjustified felling of protected trees will set a dangerous precedent for the Council.
- The loss of the trees will alter the wind stresses affecting other nearby trees.
- "Presumably the real reason for requesting felling of protected trees is to do with protection of a swimming pool from unwanted seeds and other foliage than any other reason."
- The removal of trees would be detrimental to local wildlife.
- The house next door has already removed several trees.
- The property of 19 Priory Close has "a very large garden with no trees."

## MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

There have been a number of previous recent Applications/Notices/Certificates for development and treeworks at this property, of which the following are of relevance:



**B/01794/10**

*"Part single, part two-storey rear extension and part single, part two-storey side extension. Alterations to existing front porch. Addition of roof lights to rear roof slope and crown roofs. (AMENDED DESCRIPTION)"*

Granted **CONDITIONAL APPROVAL** 5<sup>th</sup> July 2010.

**B/04129/10**

*"New indoor pool building in back garden".*

Deemed **LAWFUL** 17<sup>th</sup> December 2010.

**B/03972/11**

*"Formation of outdoor swimming pool and terrace in rear garden."*

Deemed **LAWFUL** 12<sup>th</sup> October 2011.

**B/04035/11**

*"Material amendment to planning permission reference B/01794/10 dated 05/07/2010 for 'Part single, part two-storey rear extension and part single, part two-storey side extension. Alterations to existing front porch. Addition of roof lights to rear roof slope and crown roofs.' Amendment to include increase in width of side/ rear extension up to boundary with No. 21"*

Granted **CONDITIONAL APPROVAL** 7<sup>th</sup> December 2011.

**TCA/00440/12/B**

*1 x Birch (1 Applicant's Plan) - Remove."*

**Six week notification period expired** 30<sup>th</sup> August 2012

(considered inappropriate for inclusion in a new Tree Preservation Order)

**TCA/00441/12/B**

*1 x Sycamore with DBH of 80mm (5 Applicant's Plan) - Remove to improve growth of other trees."*

**Exemption Notice issued** 22nd August 2012

**PLANNING APPRAISAL**1. Introduction

This application has been submitted by Metamorphosis Design as agent for the owner of 19 Priory Close.

The application was originally registered on the 29<sup>th</sup> May 2012 in respect of *"8 x Conifer (as Indicated on Applicants Plan) and 5 x Sycamore (1, 2, 3, 4, and 5 Applicants Plan)- Remove. Standing in Area A1 of Tree Preservation Order."*

The London Borough of Barnet Totteridge House, Garth Cottage and former Totteridge Village and r/o No's 5-19 (incl) Priory Close, N20 Tree Preservation Order 1992 was made on the 7<sup>th</sup> May 1992 and confirmed without modification on the 16<sup>th</sup> July 1992. The trees subject of this application all stand within Area A1 of the Tree Preservation Order which includes the "several trees of whatever species standing in Area A1 on the map" that were growing when the Order was made in 1992.

During site inspection, it became apparent that the "Sycamore" marked as 1 on the applicant's plan had been misidentified and is actually a Birch.

Measurements taken indicated that both this Birch and the Sycamore marked as 5 on the plan are too young to have been growing at the site at the date the Order was made – hence the proposed removal of these two trees has been omitted from this application and reregistered as:

A separate Notice of Intent was registered under reference TCA/00440/12/B for the removal of the Birch. However, as the trunk diameter of the Sycamore (5 on applicant's plan) is 80mm and its removal is to improve the growth of other trees, it would be too small to be subject to the formal notification procedure and a separate Exemption Notice, TCA/00441/12/B, has been issued (see relevant planning history above).

It was also noted during the site visit that there were more than 8 x Conifer trees growing in the area marked on the submitted plan. Written clarification was sought and the agent responded in an e-mail dated 25th July 2012 by reference to a further annotated plan.

The proposal has been slightly amended accordingly.

The reason given for the proposed removal of the 8 x Conifers is:

*"They currently range in height from 4 to 10 metres and are severely reducing the light levels within the woodland. With their removal light levels will improve dramatically and the range and diversity of woodland plants will increase greatly. Currently it is so dark that only Ivy can survive. We would like to replant much of the woodland floor with english native plants, shrubs and ferns to act as an under storey and mid storey to the Sycamores, Chestnuts and Oak that occupy the upper level."*

The reason given for the proposed removal of the 3 x Sycamore is:

*"they are now impeding the growth of the surrounding trees. Due to lack of light and excessive competition within the woodland, the trees have grown very leggy. With their removal, the existing trees will have more room to develop and the light levels will improve sufficiently to allow a wider diversity of plants to grow on the woodland floor."*

## 2. Appraisal

19 Priory Close has a large triangular garden abutting properties in Priory Close, Barnet Lane and the now sub-divided Totteridge House site on Totteridge Village. The trees stand on the southern boundary, partway along a wooded band which runs from Totteridge Village through the property of Falmer Totteridge Village and adjacent to the rear boundaries of properties in Priory Close. This wooded area contributes significantly to the general character and appearance of the Totteridge Conservation Area – providing screening between neighbouring properties; helping to soften the appearance of the relatively large residential properties; providing a strong green barrier to the properties; and adding to the rural and open character. Trees and planting are acknowledged to make a very important contribution to the character and appearance of the conservation area within the Totteridge Conservation Area Character Appraisal Statement. Totteridge is also classified as an Area of Special Character originally derived from the Greater London Development Plan - such Areas are considered to be essential to the character of London as a whole.

### 8 x Conifers

These trees are annotated as 1, 3, 4, 5, 6, 7, 8 and 9 of Metamorphosis Design Plan clarified 25th July 2012, and are visible as part of a group from Priory Close. They stand adjacent to each other between 27 and 43M from the rear boundary of the site and on the western edge of the wooded band of trees that runs through this site and adjacent properties. The visibility of these conifer trees is likely to be greater during the winter months given their evergreen nature and they help to add some diversity to the tree species within the wooded band of trees at 19 Priory Close.

Although described as '*mostly Cupressus x leylandii*' by the applicant, it appears that the trees are mainly Lawson's Cypresses. These middle-aged Cypress trees are between 4 and 10M in height, have trunk diameters ranging from 190mm to 290mm and are the largest conifers in this part of the garden. Their crown shapes have been affected by the close proximity of the other trees but the trees form a distinct woodland grouping which has a collective amenity value exceeding the value of the individual trees. The conifers have dense western facing foliage of good form and colour. There is some deadwood present, mostly minor and close to the trunks of the trees and towards the east (where light levels are lower), which is typical of the species. There is one hanging dead branch within the crown of Cypress 1, but none of the conifers have any obvious major structural faults apparent.

The removal of these Cypress trees could not be justified with regard to their condition and it would not normally be reasonable for the Council to allow the removal of apparently healthy Tree Preservation Order trees. When considering applications for treatment to trees included within a Tree Preservation Order, Government guidance advises Local Planning Authorities:

"(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and  
(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it."

The applicant suggests that the reason for the proposed removal of these trees is to increase light levels and following this "*the range and diversity of woodland plants will increase greatly.*"

These Cypresses are located on the western extremity of the woodland area in the garden of this property - even if these trees were removed, then the light levels reaching the "woodland floor" would still be restricted by the other trees within wooded area. It should be noted that the diversity of under-storey and mid-storey plant life in the vicinity of the conifers is already currently greater than that towards the back of the garden at 19 Priory Close where the woodland is dominated by large mature, predominantly deciduous trees, and there are virtually no under-storey plants.

Because they stand on the edge of the woodland, the removal of these Cypresses would decrease the depth of that portion of the woodland band. As the proposed replacement planting details shrubs, ferns, perennials and bulbs, the area of trees would be diminished in size both in the short and longer term. Given the applicant's reason for the proposed tree removals it also seems likely that they will wish to remove the existing under-storey and mid-storey vegetation at this location to

facilitate their proposed new planting, and there may well be additional future pressures for further treeworks to allow more light through the wooded area for the new planting.

It is considered that the proposed removal of these trees would be of detriment to the health and appearance of the woodland group – that public amenity would be harmed for personal gain (i.e. landscaping that would have minimal public benefit). The proposals would appear to substantially alter the appearance of the woodland group. The loss of the Cypresses will be particularly noticeable in the winter months when the deciduous trees lose their foliage. This would be of detriment to the appearance of the woodland group. Trees are dynamic living organisms that grow in response to their environment. Changes in that environment can be of detriment to the health of trees. The trees in the middle of the wooded band and behind these conifers have tall narrow forms (typical of woodland trees) with high crowns. The loss of the Cypresses would expose those slender woodland trees as the new western edge of the woodland band, altering the wind stresses affecting the remaining surrounding trees which may be of detriment to their health.

Sycamores – these are numbered on the Applicant's Plan received by the Council on the 29th May 2012. These trees are partly visible from surrounding properties as part of the wooded band.

#### Sycamore 2 and 3

Sycamore 2 has a trunk diameter of 175mm and is about 7 metres in height. It is a middle-aged tree which has previously lost the top of its stem at about 5.5M. There is decay visible at the wound site. The main limb forks from the trunk at about 4M and a decay pocket is also visible at the union. All of the foliage (which is of reasonable form and colour, but a slightly sparse density towards the top of the tree) arises from either the limb or as regrowth from the top of the main snapped stem.

Sycamore 3 has a trunk diameter of 190mm. It is about 9M tall and is middle-aged. It has a small high crown relative to its height. There is a cavity at the base of the tree. The foliage is of good form, density and colour.

The removal of these two Sycamore trees - which are in poor condition - would allow more space for the growth and development of other trees within the wooded band. It is not considered that the loss of these two trees would be significantly detrimental to public amenity or, given their location within the middle of the wooded band, to the health and appearance of the other surrounding trees, but replacement planting of better trees in a slightly different location would help maintain the tree stock into the future.

#### Sycamore 4

About 10M in height. It is a middle-aged tree with a trunk diameter of 190mm. The tree has a high crown - which is typical of woodland grown trees. The foliage is of good form, density and colour and there are no obvious major structural faults apparent. It is considered that the removal of this tree could not be justified with regard to its condition.

The reason given for the proposed removal of this tree is "*impeding the growth of the surrounding trees*" and that following its removal the existing trees will have

more room to grow and more light will reach the woodland floor allowing a greater diversity of plants to grow there. As noted above, there is a greater diversity of under-storey and mid-storey vegetation in this location than there is in the woodland towards the rear of the site. This includes a number of maturing trees which surround this Sycamore - including the Cypress trees and Sycamore 5 that the applicant wishes to remove. It is unclear from the applicant's submissions exactly which of the existing trees surrounding Sycamore 4 are proposed for retention and given more room to develop.

The removal of substantial numbers of trees from the middle of the wooded band will decrease the density of the woodland to the detriment of its appearance and may result in altered wind stresses affecting the remaining trees. The removal of a few poor quality trees to improve the growth of selected remaining trees may be justifiable (for example, Sycamores 2 and 3 also the Birch subject of TCA/00440/12/B). However, Sycamore 4 appears in reasonable condition and the applicant is proposing to remove most of the trees which surround it (and could additionally remove other smaller trees below the notification threshold without reference to the Council).

Given the amenity value of the trees, on the basis of the available information the reason put forward by the applicant would not justify the removal of Sycamore 4 and it is considered reasonable to refuse consent.

#### **COMMENTS ON THE GROUNDS OF OBJECTION**

Some matters addressed in the body of the report, however, the following points may be noted:

Whilst trees have a significant value as a wildlife habitat, the tree preservation legislation only protects the trees themselves. Any treatment consented to tree(s) would still be subject to the duties, obligations and offences contained within the wildlife preservation legislation, and an informative should be added accordingly.

As can be seen from the relevant planning history there have been various Applications/Certificates for development works ongoing at this site. The trees are on the opposite side of the site from the development works. There is nothing contained within the approved applications for development works, or the reasons put forward in support of this application to suggest that the removal of these trees is to "facilitate the proposed development". Whilst Certificates of Lawfulness have been submitted in respect of both an indoor and outdoor swimming pool (see relevant planning history above), the applicant has not suggested that the trees are proposed for removal to prevent seasonal detritus from falling into an as yet unbuilt swimming pool. The Cyresses are less likely to drop seasonal detritus into an outdoor swimming pool than the deciduous replacement planting suggested in the application submissions; also, given the number of other trees at the site, it is considered that the proposed tree removals would have very little impact on the amount of seasonal detritus that would fall into the garden of 19 Priory Close.

One objector has highlighted concern regarding loss of trees at the neighbouring property - the redevelopment of 21 Priory Close and any treeworks undertaken at that property are not relevant to this current application for treeworks.

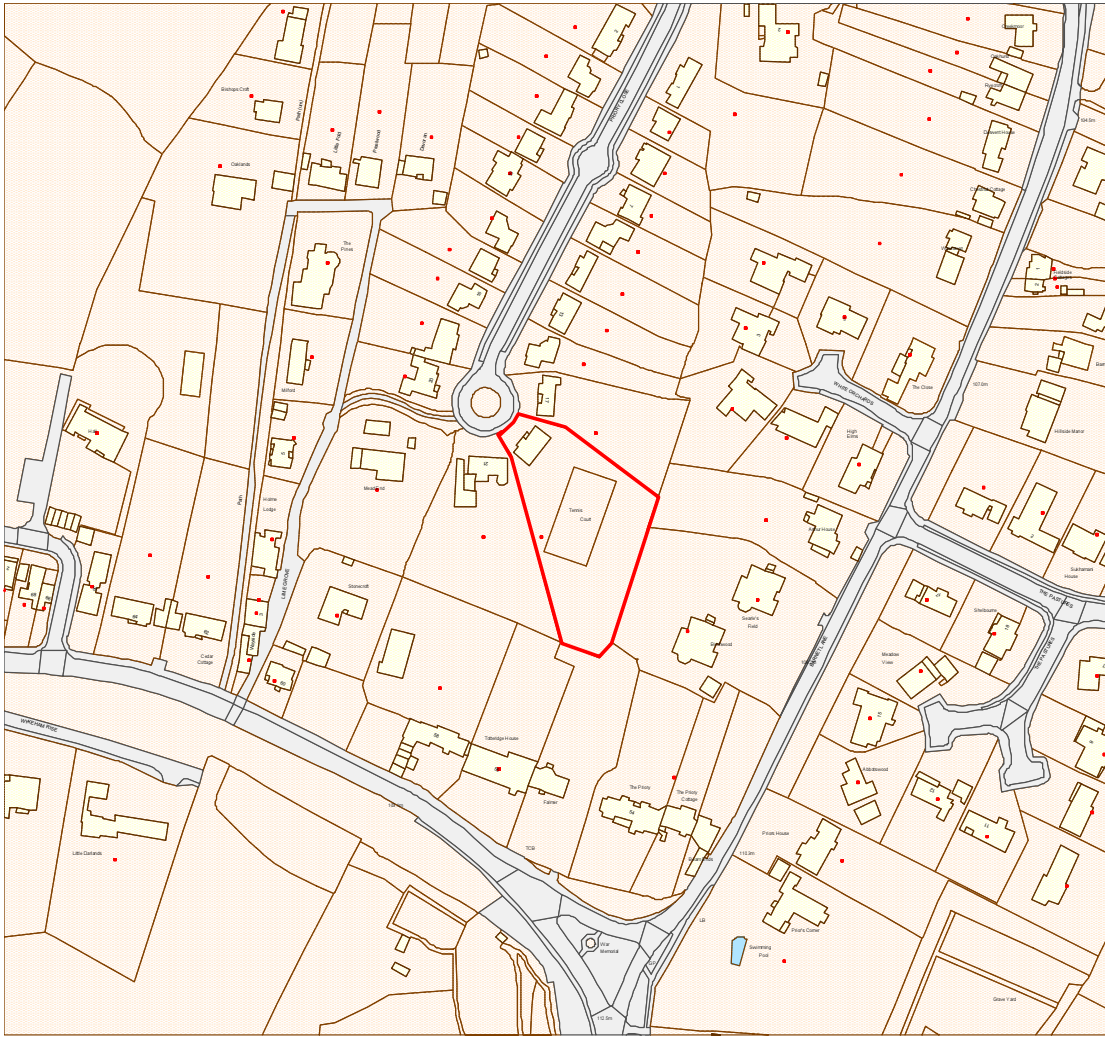
## **CONCLUSION**

It is therefore recommended that a split decision be made:

**Refusal of consent to remove 8 x Conifer (1, 3, 4, 5, 6, 7, 8 and 9 of Plan as confirmed by Applicant in e-mail dated 25th July 2012) and 1 x Sycamore (4 Applicants Plan received by the Council on the 29th May 2012) for the reason:**

The proposal will involve the loss of trees of special amenity value

**Consent being granted for the removal of 2 x Sycamore (2 and 3 Applicants Plan received by the Council on the 29th May 2012) subject to the conditions listed above. These two trees are both in bad condition with significant decay apparent. Public amenity may be better served in the long term by the removal of these trees and appropriate replacement planting.**



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**LOCATION:** 197 Ballards Lane, London, N3 1LP

**REFERENCE:** F/01117/12

**Received:** 21 March 2012

**Accepted:** 27 April 2012

**WARD(S):** West Finchley

**Expiry:** 22 June 2012 **AGENDA ITEM 9**

**Final Revisions:**

**APPLICANT:**

**PROPOSAL:** Two-storey rear extension to existing offices.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101 Rev: J and a Design and Access Statement.

Reason:

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

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

Reason:

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

3. 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.

**INFORMATIVE(S):**

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

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

In particular the following policies are relevant:

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

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

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

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

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 Mayor's London Plan: July 2011

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

### Core Strategy (Adoption version) 2012

### Development Management Policies (Adoption version) 2012

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

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

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

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

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's

modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

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

Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/01330/11
<b>Validated:</b>	24/03/2011	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	19/05/2011
<b>Summary:</b>	REF	<b>Case Officer:</b>	Robert Marchant
<b>Description:</b>	Formation of a third floor to be used as offices (B1 use) including associated roof alterations and extension to lift tower and internal staircase.		

<b>Application:</b>	Planning	<b>Number:</b>	F/04059/11
<b>Validated:</b>	07/10/2011	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	05/03/2012
<b>Summary:</b>	WIT	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Formation of a third floor to be used as offices (B1 use) including new roof and extension to lift tower and internal staircase, following removal of existing roof.		

Consultations and Views Expressed:

Neighbours Consulted: 32                      Replies: 6  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Increase in waste.
- Loss of light to the communal open space.
- Loss of light to neighbouring properties.
- The building will be visible from Ballards Lane.
- The proposal will reduce security.
- The extension is not necessary.
- Over development
- Loss of privacy
- The external appearance is not acceptable

Internal /Other Consultations:

Thames Water - No objections.

Date of Site Notice: 03 May 2012

## 2. PLANNING APPRAISAL

Site Description and Surroundings: The application site consists of a three storey office block named 'Martyn Gerrard House' and is attached to a residential block of flats named 'Hartnell Court'. The site is located on Ballards Lane in West Finchley and is located in close proximity to the main commercial frontage in Finchley Central.

Proposal: The application proposes a two-storey rear extension to the existing offices.

### Planning Considerations:

The existing site comprises of 'Martyn Gerrard House' and operates as (B1) offices. The property was constructed with Hartnell Court as one entity and the application site appears as part of the character of this whole building. As part of the original construction, the property has a pitched roof, which is set down and merges with the main building line of Hartnell Court.

The proposal involves an additional two stories on the rear elevation of the office. The extension would be 4.5m at ground floor level and 2.5m at first floor level both with flat roofs. It is considered that the addition would not appear obtrusive and bulky in relation to the building as the previous application. It is considered that the extension would be an acceptable addition the building as a whole, and would preserve its character. It is not considered that the application would lead to over development of the site.

The design of the proposal, with the flat roof element, is considered to be acceptable as it is to the rear of the building where visibility from the main road would be minimal and unlike the previous proposals, would not compete with the pitched roof on the existing building. The police station next door also has a flat roof. It is not considered that the extension would disrupt the character of the street scene as with the previous applications. This would therefore be in line with policy D6, which aims to maintain the character of the street scene.

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

The extension would be 2.4m away from the closest neighbouring flats and would be indented by 0.5m compared to the neighbours. The extension would therefore project 4m further forward from the neighbouring flat's wall at ground floor level and 2m further forward at ground floor level. (The first floor has been reduced by 2m in projection since the application was first submitted.) It is considered that this relationship is acceptable and will not lead to any loss of amenity to any neighbouring property in terms of outlook, privacy or light. It is also considered that the application will have an acceptable impact on the police station.

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

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

Most of the grounds of objection have been addressed in the main report. It is not considered that the proposal will increase waste or provide a security risk to surrounding properties.

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

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

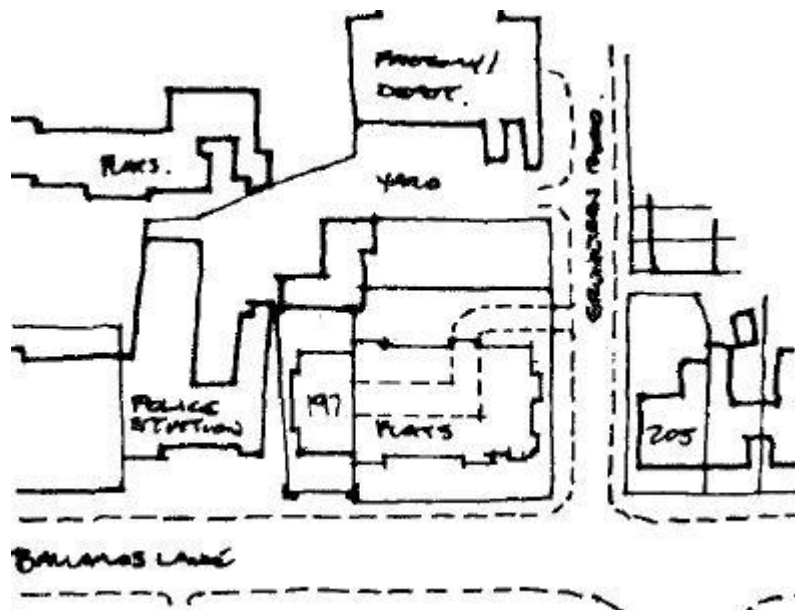
### **5. CONCLUSION**

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

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

SITE LOCATION PLAN: 197 Ballards Lane, London, N3 1LP

REFERENCE: F/01117/12



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**LOCATION:** 36 Oakdene Park, London, N3 1EU

**REFERENCE:** F/02040/12

**Received:** 24 May 2012

**Accepted:** 28 May 2012

**WARD(S):** West Finchley

**Expiry:** 23 July 2012

**AGENDA ITEM 10**

**Final Revisions:**

**APPLICANT:** Mr Aboosi

**PROPOSAL:** Single storey rear extension and associated alterations to dwelling.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: JA OP 007 existing location plan; JA OP 007 proposed location plan; JA OP 002; JA OP 003; JA OP 004; JA OP 016; JA OP 009 RevB; JA OP 011 RevB; JA OP 012 RevB; JA OP 013 RevB; JA OP 014 RevB.

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. 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 side elevation(s), of the extension(s) hereby approved, facing 37 Oakdene Park.

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:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D5 & H27.

Design Guidance Note No 5 – Extensions to Houses

Core Strategy (Adoption version) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Adoption version)2012:

Relevant Policies: DM01, DM02.

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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



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

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

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

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

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

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

#### Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.

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

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

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

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

Relevant Planning History:

None relevant

## Consultations and Views Expressed:

Neighbours Consulted: 5                      Replies: 4 (1 letter with 15 signatures)  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Loss of light and outlook - Height and depth of extension would result in significant loss of light to and outlook from habitable rooms and back patio. It will be too bulky and dominant. Loss of light will have impact on well-being anxiety, seasonal affective disorder and depression.
- Shared drive and access - shared drive is quite narrow in places but widens near the 2 garages to help getting cars in and out and leave space for rubbish bins. Under obligation not to obstruct the joint right of way and consequently not allowed to building any structure on it.
- Overdevelopment and amenities - property extended some time ago. A few years ago More pressure on drainage system in Oakdene Park. Sewage damage could lead to flood and public health risk. Extra space will use more energy in heating. Neighbours would lose sunlight heating afforded to the walls and rooms.
- Appearance - Does not harmonise with existing and surrounding properties. Will harm character of Oakdene Park. Out of context to the historical character of Oakdene Park a part of a garden suburb. Rear extension break the harmony of back gardens. Nowhere else in Oakdene Park has an extension as deep.
- Scale and appearance is out of keeping.
- Inaccuracies and omissions in the application - height of extension is 5.25m and not 3.175m as shown on the drawings.
- Backroom of no.35 is shown as jutting out from backroom of 36 giving the impression that the proposed extension will not affect no.35. In fact the two backrooms are exactly in line.
- Disused garage- statement that 'the garage cannot be and have never been used' is not true. It is possible to use garage for parking cars.
- Missing from the drawings is a second floor plan which would show the extensive habitable space afforded by the loft conversion a few years ago.
- Attractions of Oakdene Park is the nature conservation and woodland. This proposal lacks sensitivity to the natural beauty of its surroundings.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application property is a semi detached dwelling located in West Finchley. The property has a shared driveway with no.37 Oakdene Park each property has a garage at the bottom of the shared drive. The property backs on to Finchley golf club.

### Proposal:

The application relates to a single storey rear extension to the property to link the property into the garage. The property has an existing single storey rear projection of 3m along the common boundary with no.35 Oakdene Park, the property will extend 960mm off this projection. The proposal will have a stepped footprint extending to 3.8m along the shared driveway to incorporate the proposed extension with the existing garage.

## Planning Considerations:

The application has been amended since its initial submission removing the previously proposed first floor extension from the proposal.

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

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

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

Policy 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 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.

The application has been amended to remove the first floor extension. The proposed single storey rear extension will extend an additional 960mm than the existing rear projection which aligns with the neighbours ground floor back wall. This additional depth is not considered to cause any significant loss of amenity to the neighbouring residential occupiers at no.35.

The extension is set approximately 2.6m from the the side wall of the neighbouring property no.37 Oakdene Park and as such does not result in any loss of amenity.

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

- Amendments have been made to the application which are considered to overcome some of the previous concerns.
- Matters relating to sewage and drainage are not covered by planning legislation.
- Matters of Rights of Way over the shared drive are a civil matter.
- The plans are drawn to a scale so the height of the proposed extension can be determined by measuring the drawings.
- Omission of second floor plan from application- Following a site visit the extent of the roof extensions has been noted, this extension appears to have been implemented under permitted development. The second floor extension has also been clearly indicated on the elevational plans. The proposed ground floor extension in conjunction with the previous roof extension is not considered to result in overdevelopment of the site.

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

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

### **5. CONCLUSION**

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

**SITE LOCATION PLAN:** 36 Oakdene Park, London, N3 1EU

**REFERENCE:** F/02040/12



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**LOCATION:** Fursby House, 146 Nether Street, London, N3 1PG

**REFERENCE:** F/02453/12

**Received:** 25 June 2012

**Accepted:** 25 June 2012

**WARD:** West Finchley

**Expiry:** 20 August 2012

**AGENDA ITEM 11**

**Final Revisions:**

**APPLICANT:** Mr Veshchikov

**PROPOSAL:** Erection of two storey semi detached dwelling houses at land at the front of Fursby House 146 Nether Street, including formation of basement and rooms in roofspace.

**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) £23,898.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £488.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £4,032.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,420.90**  
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/02453/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; SCP2120408-1; SCP2120408-1 Rev B; SCP2120408-2 Rev A; SCP2120408-3;



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 SCP2120408-1 Rev B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

4. No structure or erection with a height exceeding 1.05 metres above footway level shall be placed along the frontage(s) of application site from a point 2.4 metres from the highway boundary for a distance of 2.4 metres on both sides of the vehicular access(es) with the exclusion of the 1.2 metre refuse store shown on Plan SCP2120408-1 Rev B

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.



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

Reason:

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

8. Before the building hereby permitted is occupied the proposed side dormer windows in both side elevations facing 144 & 148 Nether Street 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.

9. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended (Classes A to E) in any manner whatsoever.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

10. 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 side elevations of the both properties hereby approved, facing 144 & 148 Nether Street.

Reason:

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

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

Reason:

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

12. The use of the basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

16. 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.

17. 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).

18. 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):

GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D11, H1, H16, H17, H18, HC15, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

Local Development Framework:

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

Development Management Policies (Examination in Public version) 2012 – DM01, DM02, DM06, 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 £14,000 (400 metres squared).

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.

## RECOMMENDATION III

That if an agreement has not been completed by 28/09/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/02453/12 under delegated powers for the following reason:

1. The development would require a Unilateral Undertaking and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policy CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan; contrary to Policy DM13 of the Emerging Local Plan Development Management Policies (Adoption version) 2012; contrary to Policies CS10 and CS11 of the Emerging Local Plan Core Strategy (Adoption version) 2012; and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

### 1. MATERIAL CONSIDERATIONS

#### National Planning Policy 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, HC15, 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.

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, DM06, DM13, DM17.

Relevant Planning History:

Nil

Consultations and Views Expressed:

Neighbours Consulted: 39                      Replies: 10  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Harmful to the character of the area;
2. Increase in traffic and concerns about on street parking increasing in the area as a result of the development;
3. Concerns about the safety to car users and pedestrians as a result of the narrow vehicle access road to Fursby House;
4. Unacceptable scale, bulk, massing and design;
5. Overlooking resulting in a loss of our privacy;
6. Loss of garden;
7. Blocking of views to Fursby House;
8. Overshadowing of neighbouring properties;
9. Noise and disturbance during construction.

Internal /Other Consultations:

Traffic & Development  
No objection.

Date of Site Notice: 05 July 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a large plot of land with a locally listed building set back 40 metres from the common front building line created by the majority of properties on this side of Nether Street within West Finchley Ward.



### Proposal:

The proposal relates to the erection of two storey semi detached dwelling houses at land to the front of Fursby House 146 Nether Street, including formation of basement and rooms in roofspace.

### Planning Considerations:

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 dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The main issues are considered to be:

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

### Policy Context:

The proposed development is considered to be compliant with national policy (NPPF), the London Plan, and local policy within the UDP. The general message of Section 6 of the NPPF 'Delivering a wide choice of high quality homes' advises that Local Planning Authorities should enable the provision of good quality new homes in suitable locations.

Paragraph 53 states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". As the site is considered to be front garden land to Fursby House, 146 Nether Street it does not fall within the definition of previously developed land. However, in itself that does not necessarily preclude development on the site. The site is in a sustainable location and development of it would conform with the requirement in the NPPF.

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

## Principle of Redevelopment and Character

The principle of demolition is considered acceptable. The property is not within a conservation area.

The location of the proposed dwellinghouses would be in keeping with Planning Policy Guidance and Regional Policy Guidance recommending the need for the effective use of land within urban areas and the use of previously developed land as far as possible. Additionally, recommendations are made for the location of new residential development in close proximity to public transport. The location of this site within a residential area, on a sufficiently big plot and in close proximity to amenities which would make this application in keeping with Council Policies relating to new developments.

Council Policies state that new residential developments must harmonise with and respect the character of the area. The proposed dwellings are considered to be in keeping with the character of the area and would adhere to policies recommending the infill of sites in residential areas.

### Design:

It is considered the design of the proposed dwellinghouses would be in keeping with neighbouring existing buildings and would not have any adverse visual effect on the character of the locality or the street scene generally. Materials would match those of buildings around the site and are considered acceptable. A condition attached to this recommendation will ensure that this is the case.

The buildings would be located within the site to align with adjoining buildings retaining a common 'building' line on the street frontage.

The proposed height of the building would remain as per the neighbouring existing properties' heights to ensure that the proposed buildings respects the heights of these other surrounding properties (5.9 metres to the roof eaves and 8.8 metres to the ridge).

The surrounding area is characterised by semi detached houses of a uniform design, appearance and size. In this context, it is considered that the design and siting of the proposal is acceptable and would be compatible with adjoining properties, the character of the surrounding area and the streetscene.

The proposal is considered to safeguard the siting of the locally listed building.

### Amenity:

It is considered given the distance between the proposed building and No's. 144 & 148, it would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy to an unacceptable level. It is acknowledged that there is a side window to 144 Nether Street but following a site visit on 6 July 2012 this window was considered a window serving a staircase.

There is only a single side dormer window in each side elevation and these are considered to be acceptable.

The application site has adequate garden to the rear and it is not felt that the proposed development will cause an over development of the site.

Council Policy H18 refers to amenity space standards. For houses, 85 square metres of space is required for properties consisting of up to seven or more habitable rooms. The emphasis in the UDP is on usable space in the form of private rear gardens. Adequate amenity space is considered to be provided. Details of landscaping and levels are required by conditions.

Parking, Access and Vehicle Movements: This proposal also includes the provision of 1 car parking space in front of each dwelling. This parking provision is considered to be in accordance with the parking standards set out in the UDP 2006.

Details of the parking arrangement will be required by condition.

#### Sustainability:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes - the applicant has indicated in his sustainability submission that this will be achieved (this is to be enforced by a Code for Sustainable Homes condition).

#### 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.

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 NPPF sets out three 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.

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:

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

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

To accord with UDP Policy CS8 and the SPD the proposed scheme would require a contribution of £23,898 (calculated at the time of this application) and a monitoring fee of 5%.

### Contributions to library services:

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

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

To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £488 (calculated at the time of this application) and a monitoring fee of 5%.

### Contributions to Health facilities:

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

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

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

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

To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £4,032 (calculated at the time of this application) and a monitoring fee of 5%.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by Unilateral Undertaking.

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

In relation to points 1, 4 and 7, it is considered that the proposal complies with National, London Plan and Council policies. It is accepted that the proposed building would align with the established front building line created by neighbouring properties and sit comfortably with the streetscene.

In relation to points 2 and 3, after having discussions with the council's Highway team, it is considered that this proposal would comply with Council policies.

In relation to points 5, 8 and 9, it is considered that the proposal has been designed to respect the amenities of neighbouring occupiers. It is considered that, as conditioned, the proposal would have an acceptable impact on the amenity of neighbouring occupiers.

In relation to point 6, it is considered the proposal complies with NPPF Paragraph 53 and all other relevant policies.

### **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 provide good quality residential accommodation which is in short 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:  
1PG**

**Fursby House, 146 Nether Street, London, N3**

**REFERENCE:**

**F/02453/12**



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

**REFERENCE:** F/00972/12

**Received:** 09 March 2012

**Accepted:** 23 March 2012 **AGENDA ITEM 12**

**WARD:** Woodhouse

**Expiry:** 18 May 2012

**Final Revisions:**

**APPLICANT:** Safeland PLC

**PROPOSAL:** Change of use from car show room to an A1 (retail) unit and an A2 (professional service) unit and conversion of the upper floors to form 7 no 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.

**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 and parking layout hereby permitted shall remain as shown on the hereby approved drawings.

Reason:

To protect the amenity of existing and future occupiers.

16. Before the building hereby permitted is occupied the proposed window(s) in the west elevation facing the rear gardens of properties in the High 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.

17. 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.

#### **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 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)

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

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

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

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

4. 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 1/10/2012, that unless otherwise agreed in writing, the 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 Government's 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  
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: Change of use from car show room to an A1 (retail) unit and an A2 (professional service) unit and conversion of the upper floors to form 7no 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.

Planning Considerations:

Existing Employment Use

The site has a current employment use with the car showroom 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 as 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. The submitted plans do not depict 'like above like' in terms of the layout of the flats, however it is considered that sound proofing would prevent the proposed units from having a negative impact on each other.

Refuse and re-cycling storage is to be provided to the rear next to the access path adjoining properties in Glebe Avenue and on 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

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.

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 unit, 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 £8,718 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 £241 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 £4,354 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 £815.65 would satisfy the monitoring requirement.

The total amount payable, including the open space contribution, would therefore be £17,128.65 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.

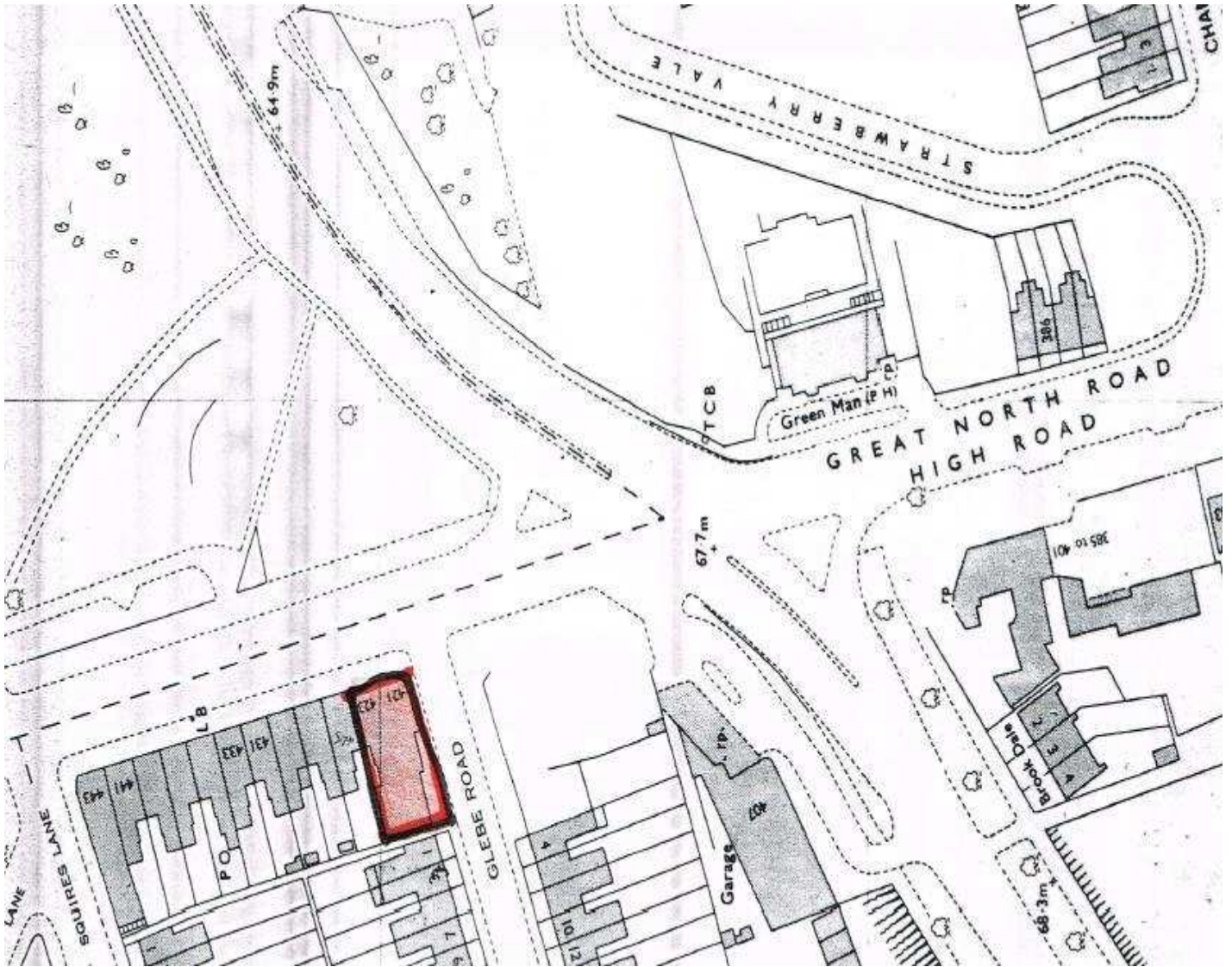
## **6. CONCLUSION**

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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**LOCATION:** The Compton School, Summers Lane, London, N12  
0QG

**REFERENCE:** F/02897/12

**Received:** 25 July 2012

**Accepted:** 30 July 2012

**WARD(S):** Woodhouse

**Expiry:** 24 September 2012

**AGENDA ITEM 13**

**Final Revisions:**

**APPLICANT:** Ms Beardshaw

**PROPOSAL:** Installation of new Porta cabins to provide classrooms for a period of 1.5 years

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: TSPSCompton, HD/7182/02 Rev: B, details on the Duplex Building Systems from BBA dated 28<sup>th</sup> November 2006 and a Design and Access Statement.

Reason:

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

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

Reason:

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

3. The proposed temporary classroom shall be removed in its entirety and all constituent materials removed by 01/04/2014.

Reason:

The porta cabins, given their design, are only acceptable on a temporary basis, to protect the amenities of the wider area.

**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 (Character), GBEnv2 (Design), GBEnv5 (Accessible Environments), GCS1 (Community Facilities), CS4 (Educational Facilities), CS9 (Enlargement of School Facilities), D1 (Design), D2 (Character), D4 (Over -development), D5 (Outlook) and D8 (Access for People with Disabilities).

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

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

ii) The proposal is acceptable for the following reason(s): - The proposals would improve accommodation at an existing school and would not harm neighbouring amenity, highway safety or the character and appearance of the area.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

Relevant Unitary Development Plan Policies: GBEnv1 (Character), GBEnv2 (Design), GBEnv5 (Accessible Environments), GCS1 (Community Facilities), CS4 (Educational Facilities), CS9 (Enlargement of School Facilities), D1 (Design), D2 (Character), D4 (Over -development), D5 (Outlook) and D8 (Access for People with Disabilities).

### Core Strategy (Adoption version) 2012

#### Development Management Policies (Adoption version) 2012

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

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

#### Relevant Core Strategy Policies: CS NPPF, CS1, CS5 and CS10

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 and DM17.

Planning History:

**Application:** Planning  
**Validated:** 01/06/2000  
**Status:** DEC  
**Summary:** NDD  
**Description:** Application to omit clause 3.1[b][ii] of the Section 106 Agreement dated 8 April 1993 in respect of the residential development on the former Local Authority Nursery and Depot and Compton School, Summers Lane N12 which required that occupiers of the units (now known as Thistley Close) shall have exclusive rights of pedestrian access to and egress from the land through Summers Row and no occupiers of other units within the development shall exercise these rights.

**Number:** C/00433/AJ/00  
**Type:** S73  
**Date:** 24/02/2003  
**Case Officer:** Clive Townsend

**Application:** Planning  
**Validated:** 27/02/2003  
**Status:** DEC  
**Summary:** APC  
**Description:** Renovation and extensions including part single, part two-storey extension to humanities and link block, two-storey extension to maths/science block and new link to library to replace existing, plus associated changes to landscaping and parking and new ingress at junction of Fallowfields Drive/Summers Lane.

**Number:** C/00433/AT/03  
**Type:** APF  
**Date:** 04/08/2003  
**Case Officer:** Clive Townsend

**Application:** Planning  
**Validated:** 22/09/2003  
**Status:** DEC  
**Summary:** AP  
**Description:** Details of landscaping pursuant to condition 5 of planning permission Ref. C00433AT/03 for renovation and extensions including part single, part two storey extension maths / science block and new link to library to replace existing, plus associated changes to landscaping and parking and new ingress at junction of Fallowfields Drive / Summers Lane.

**Number:** C/00433/AU/03  
**Type:** APD  
**Date:** 05/11/2003  
**Case Officer:** Clive Townsend

**Application:** Planning  
**Validated:** 30/07/2012  
**Status:** PDE  
**Summary:** APC  
**Description:** Installation of new Porta cabins to provide classrooms for a period of 1.5 years

**Number:** F/02897/12  
**Type:** APF  
**Date:**  
**Case Officer:** David Campbell

**Application:** Planning  
**Validated:** 13/01/2009  
**Status:** DEC  
**Summary:** APC  
**Description:** Construction of a lift shaft to two storey classroom block.

**Number:** F/04856/08  
**Type:** APF  
**Date:** 03/03/2009  
**Case Officer:** David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 34                      Replies: 0  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

No representations have been received for the application.

Date of Site Notice: 02 August 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings: The site consists of The Compton School in the Woodhouse ward, and does not fall within a conservation area.

Proposal: The application seeks consent for two new Porta cabins for a period of 18 months.

### Planning Considerations:

The main planning considerations are the appearance and siting of the building and the benefits of providing additional educational facilities for the school. The walls will be white and silk grey and be made from still faced composite panels. The porta cabins are needed whilst the school undertakes a refurbishment programme.

It is considered that the porta cabins would be barely visible from outside the site and as such would have a limited impact on the surrounding area. It is considered they are acceptable from a design point of view, particularly considering they are temporary buildings. It is considered that the building would be barely visible from outside of the school site and therefore it is not considered that it would have any negative impact on the surrounding area. It has been designed in a manner which is considered to be subordinate with the building on which it is to be attached. There are therefore no objections on these grounds.

The closest neighbours to the application site would be residents in Isis Court. The proposed temporary building be 7.5m away from the boundary with Isis Court and approximately 9.2m from the buildings themselves. It is also noted that there will be no windows or doors to this side of either building. It is therefore not considered that there will be any loss of amenity to any neighbouring property.

The new building would bring about benefits to the facilities at the school which are considered to be beneficial to the wider community and therefore no objections are made to the application.

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

No representations have been received for the application.

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

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

## **5. CONCLUSION**

Having taken all material considerations into account, it is considered that the proposal would be in accordance with the Council's policies and guidelines, would not cause unacceptable harm to the amenities of the area and would enhance the education facilities of the school.

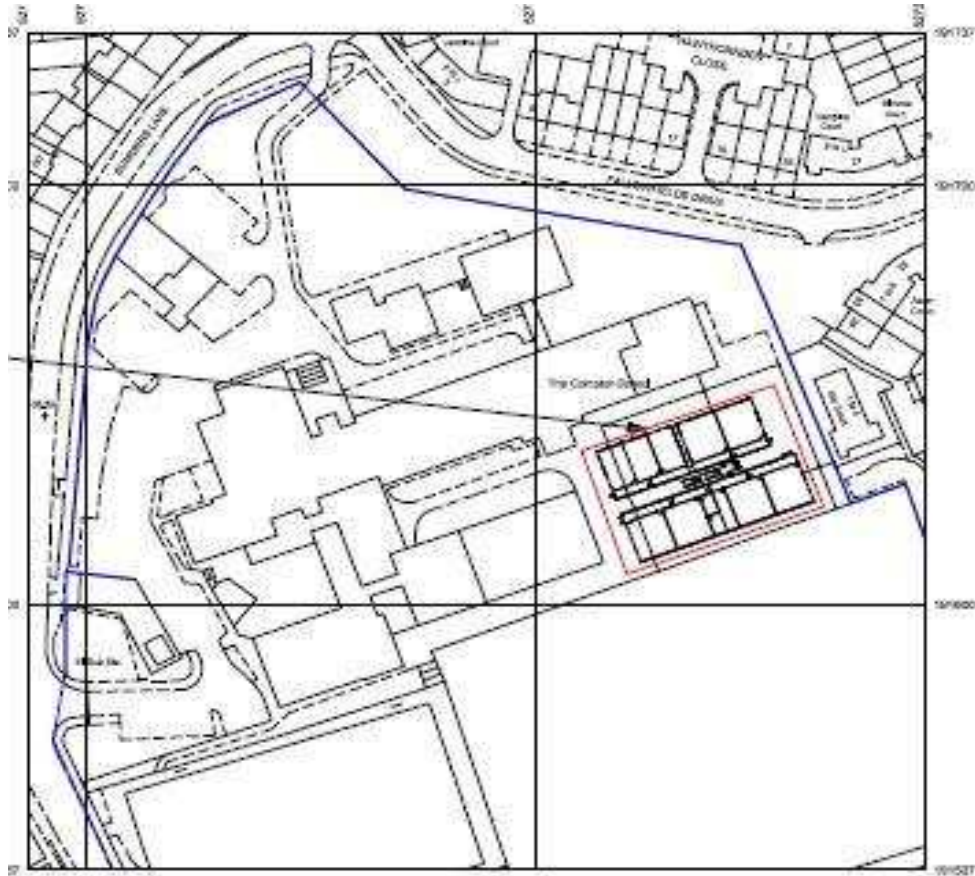
It is therefore recommended that the application be **APPROVED**.

**SITE LOCATION PLAN:  
N12 0QG**

**The Compton School, Summers Lane, London,**

**REFERENCE:**

**F/02897/12**



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