

MEETING

EAST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

WEDNESDAY 5 DECEMBER, 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	Kath McGuirk	Brian Salinger
Pauline Coakley Webb	Alison Moore	Brian Coleman
Anne Hutton	Robert Rams	
David Longstaff	Lisa Rutter	

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.	Reports of the Acting Assistant Director of Planning and Development Management	
	East Barnet Ward	
7.	106 Shurland Avenue, Barnet, Herts, EN4 8DD - B/03338/12	1 - 10
	East Finchley Ward	
8.	78-80 Brackenbury Road, London, N2 0ST - F/03645/12	11 - 22
	High Barnet Ward	
9.	Pavement on south side of Barnet Road, close to the junction with Galley Lane, opposite Arkley Public House, Barnet Road, EN5 - B/00516/12	23 - 30
10.	42 Station Road, Barnet, Herts, EN5 1QH - TPO/00556/12/B	31 - 38
	Totteridge Ward	
11.	Garage Block, Holden Heights, Holden Road, London - B/03397/12	39 - 52
	West Finchley Ward	
12.	9 Courthouse Gardens, London, N3 1PU - F/03828/12	53 - 60
	Woodhouse Ward	
13.	860 High Road, London, N12 9RH - F/03699/12	61 - 68
14.	Any item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Maria Lugangira 020 8359 2761. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

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LOCATION: 106 Shurland Avenue, Barnet, Herts, EN4 8DD

REFERENCE: B/03338/12

Received: 29 August 2012

Accepted: 29 August 2012

WARD: East Barnet

Expiry: 24 October 2012

AGENDA ITEM 7

Final Revisions:

APPLICANT: Mr Steenkamp

PROPOSAL: Erection 1no. semi-detached dwelling house attached to No. 106, including landscaping and new front hardstanding to existing and proposed property.

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) £7,799.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £1,682.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £486.25**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/03338/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 11005-S001-A (received 30 August 2012) and 11005-P002-D (received 9 November 2012).

Reason:

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

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

Reason:

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

3. The materials to be used in the external surfaces of the building and hardsurfaces shall match those used at No. 106 Shurland Avenue.

Reason:

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

4. Before the building hereby permitted is first occupied the proposed window at first floor level in the east flank elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the north east flank elevation of the proposed dwelling, or the south west flank elevation of the single storey rear projecting element.

Reason:

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

6. Prior to the first occupation of the dwelling hereby permitted, a 1.8 metre high opaque boundary screen shall be erected along the entire length of the common boundary with the approved dwelling and No. 106 Shurland Avenue. This boundary screen shall be retained as such thereafter.

Reason: To safeguard the amenities of the occupants of the approved dwelling and the neighbouring properties.

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

Reason:

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

8. 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 to F of Part 1 to Schedule 2 of that Order shall be carried out within the curtilage of the dwelling hereby approved.

Reason:

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

9. Before the development hereby permitted is first occupied the parking spaces shown on Drawing 11005-P002-D (received 9 November 2012) shall be laid out as shown on the drawing 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.

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.

INFORMATIVE(S):

1. The reasons for this grant of planning permission 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 Development Plan.

In particular the following policies are relevant:

Core Strategy (Adopted September 2012): CS NPPF, CS1, CS5, CS10, CS11 and CS15.

Development Management Policies (Adopted September 2012): DM01, DM02, DM04 and DM17.

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

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This proposal is considered to accord with Council policies and guidance.

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 £3045.

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

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

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

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

in the Liability Notice you will receive.

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

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 5 March 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/03338/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education and health 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), Health (2009), Libraries (2008) and Monitoring (2007), and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

The Mayor's London Plan (July 2011):

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

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.

Local Plan Core Strategy (September 2012):

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Core Strategy was adopted by the Council on 11 September 2012 and replaces the

2006 Unitary Development Plan.

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

Local Plan Development Management Policies (September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. The Development Management Policies DPD was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Development Management Policies: DM01, DM02, DM04, and DM17.

Adopted Supplementary Planning Guidance and Documents

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. A consultation draft Sustainable Design and Construction SPD was published in 2012, to update the 2007 document. This 2012 consultation draft is a material consideration.

The following Supplementary Planning Documents are also relevant: Contributions to Education (2008), Health (2009), Libraries (2008) and Monitoring (2007).

Relevant Planning History:

None relevant to the current site.

Consultations and Views Expressed:

Neighbours Consulted: 137 Replies: 5 objections and 1 letter of comment received.

Neighbours Wishing To Speak: 0

The representations raised may be summarised as follows:

- Proposal would result in the felling of several trees, and change the outlook from neighbouring properties.
- Increased demand on schools, doctors and hospitals should be taken into account as these services are stretched.
- House will feel imposing when viewed from neighbours.
- Detrimental impact on traffic.
- Proposal will not benefit the community.

Internal /Other Consultations:

Traffic and Development: The parking provision is in accordance with the Development Management Policies DPD and the proposal is considered acceptable on highways grounds.

Date of Site Notice: 13 September 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains a two storey detached dwelling, located to the north-eastern side of Shurland Avenue. The application site is large when compared to the neighbouring plots, and relatively flat in the vicinity of the existing building. The site then slopes down toward the north-east of the site toward the rear gardens of properties fronting Cranbrook Road. The front elevation of the existing dwelling faces northwest, with the garden area extending to the south east. The existing dwelling is relatively isolated in nature, being visually distinct from the two storey dwellings to the south and the three storey block of flats to the east.

Proposal:

This application proposes the construction of a two storey dwelling adjoining the existing dwelling at No. 106, to form a pair of semi-detached dwellings. The proposed dwelling would measure 6 metres in width, 7.3 metres in depth, and have both eaves and ridge heights matching those of No. 106. It would incorporate a single storey rear projection, extending 3.5 metres rear of the main two storey dwelling and No. 106, and extend across the entire width of the proposal.

Planning Considerations:

As noted above, the application site contains a two storey detached dwelling, located in a fairly isolated plot and not directly adjacent to any neighbouring properties. It has a pitched roof, with flank gable facing Shurland Avenue. The proposed additional dwelling would extend to the north east from this dwelling, set further from Shurland Avenue. It would have a height and width matching that of the existing dwelling. However, it would have a greater depth as a result of the single storey rear projecting element. The proposed dwelling would reflect the scale and design of the existing property at No. 106. It would not project any closer to Shurland Avenue than the existing property, and given the size of the site and the proposed plot, space would remain about the building such that the proposal would not appear cramped within its plot. Given its size, design and siting, it is considered that the proposal would appear as a logical extension to the existing dwelling. Given its siting, it would not appear as a prominent or obtrusive structure within the street scene, and is not considered to be detrimental to the character and appearance of the dwelling or the wider locality.

The proposed dwelling would be located at least 45 metres away from the nearest neighbouring property at Cranbrook Road. It is noted that the dwelling would be at a higher level than the properties at Cranbrook Road. However, given the separation distance between the properties, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from the properties to the western side of Cranbrook Road. Furthermore, the proposed dwelling would not adversely affect the privacy of the occupants of these neighbouring properties.

The proposed dwelling would be located approximately 20 metres from No. 104 Shurland Avenue. It would face the side elevation of No. 104, and given the distance between the buildings and the rear garden area at No. 104 would not appear overbearing when viewed from this neighbouring property, and would not adversely affect the privacy of the occupants of No. 104.

Parking spaces are proposed to be provided for two vehicles for the existing dwelling and two for the proposed. This would comply with the requirements of the Council's parking policies, and no objections are raised with regard to parking provision.

The size of the proposed dwelling would comply with the minimum size requirements as set out in The London Plan. Similarly, the proposed rear garden area would comply with the requirements of the Council's policy. As such, it is considered that the proposal would provide a satisfactory level of amenity for future occupants. Whilst the size of the plot serving No. 106 would be reduced, there would remain sufficient garden space to the rear of No. 106 to comply with the relevant policy.

The proposal would introduce a new three bed dwelling to the locality. It is considered that this would result in additional pressures on health, library and educational facilities within the Borough. As such, it is considered reasonable to require financial contributions towards these facilities to be provided as part of this application.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The Traffic and Development team have not raised any objections with regard to the impact of the proposal on highway safety. The trees referred to are not located in close proximity to the proposed build, and the attached landscaping condition will give the Council greater control over any additional landscaping proposals. The impact of the proposal on schools, healthcare and libraries is to be addressed by a legal agreement to secure financial contributions toward such facilities. The issue regarding the appearance of the building when viewed from neighbours is dealt with above. Rights of access are 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

The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and will provide additional family accommodation in accordance with policy DM08 and the application is subsequently recommended for **approval** subject to conditions.

SITE LOCATION PLAN: 106 Shurland Avenue, Barnet, Herts, EN4 8DD

REFERENCE: B/03338/12



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LOCATION: 78-80 Brackenburg Road, London, N2 0ST

REFERENCE: F/03645/12 **Received:** 25 September 2012

Accepted: 03 October 2012

WARD: East
Finchley

Expiry: 28 November 2012 **AGENDA ITEM 8**

Final Revisions:

APPLICANT: Mr Jason Lipman

PROPOSAL: Demolition of existing single storey hall (sui generis) and erection of 2. no houses.

APPROVE FOLLOWING COMPLETION OF 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) £15,989.00**
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 Assistant Director of Planning and Development Management approve the planning application reference: F/03645/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4352 01 rev A, 4352 02 rev A, 4352 03 rev A, 4352 04, 4352 05 rev A, 4352 06 rev A, Design and Access Statement.

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

4. 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 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.

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

Reason:

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

6. The 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 policies CS NPPF and CS13 of the adopted Local Plan (adopted 2012) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

7. 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.

8. The development shall not take place unless and until the applicant has undertaken a written and photographic recording of the historic features of the building, in particular the World War I War Memorial, which will be submitted to and approved by the Local Planning Authority.

Reason:

The planning authority wishes to secure the recording of the existing historic features of the building prior to development, in accordance with the guidance set out in para 128 of the NPPF.

9. The development shall not take place unless and until the applicant has secured with the Local Planning Authority an alternative location for the War Memorial. A written strategy and timetable for its removal and relocation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter and prior to demolition of the existing hall the War Memorial shall be relocated in strict accordance with the approved details.

Reason:

The planning authority wishes to preserve the existing historic features of the building prior to development, in accordance with the guidance set out in para 128 of the NPPF.

10. Before the development hereby permitted is brought into use or occupied the rear gardens shall be enclosed with a 1.8m high Close Boarded Fence.

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.

11. 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.

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

Reason:

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

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 Local Plan (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS1, CS3, CS5, CS7, CS8, CS10, CS13.

Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM14, DM15, DM17

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

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general streetscene. The development is not considered to have an adverse impact on the amenities of neighboring occupiers. The proposal is considered to accord with adopted Council policies and guidance.

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 £6,860.

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

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

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

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

you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

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

3. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
4. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
5. The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:
 1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring property.and that work which falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

'The Party Wall etc. Act 1986: explanatory booklet' is available free from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB.

Please quote Product Code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

tel: 0870 1226236 fax: 0870 1226237 Email: communities@twoten.com

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

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

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

Further details and the application form can be downloaded from:

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

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

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011 3.4 and 3.11

Core Strategy (Adopted 2012): CS1, CS3, CS5, CS7, CS8, CS10, CS13.

Development Management Policies (Adopted 2012): DM01, DM02, DM04, DM14, DM15, DM17

Relevant Planning History:

Site Address: Royal British Legion Hall Brackenbury Road N2
Application Number: C04587
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 28/11/1973
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of temporary buildings at rear and erection of permanent extension to Assembly Hall.**

Case Officer:

Site Address: 78 Brackenbury Road London N2
Application Number: C04587A
Application Type: Advertisement
Decision: Refuse
Decision Date: 06/05/1983
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **(Internally illuminated projecting box sign)**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 24 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Loss of a heritage asset if the building were demolished contrary to the NPPF, Policy 7.8 of the London Plan and the adopted Local Plan.
- Measures need to be taken to relocate the War Memorial at the site.
- Plans submitted are incorrect or inaccurate.
- Lack of parking.
- Loss of light and overlooking.
- Potential damage to adjoining properties during demolition and construction.

The War Memorials Trust made the following comments:

It is important to ensure that the proposals for this site provide adequate provision for the safe guarding of this memorial. If possible the memorial should remain on the current site as this has historic significance.

The Finchley Society objected to the proposal as it would destroy a stone War Memorial. This objection would be withdrawn if a binding condition were imposed that no work should begin until a plan has been prepared and agreed with Barnet Council and implemented for the removal and proper conservation of this memorial.

This application has been called in by **Councillor Mitra** as the application involves the destruction of a war memorial and so the potential loss of a landmark.

Internal /Other Consultations:

Traffic and Transport - No objections.

Date of Site Notice: 18 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

78-80 Brackenbury Road is a single storey terraced building located between two storey terraced residential properties. The building is located on the east side of Brackenbury Road close to the junction with Manor Park Road.

The building has a pitched tiled roof and rendered front elevation. The property extends up to the side and rear boundaries of the site, the front elevation lines through with the adjoining properties. The building was last used by the Royal British Legion as a social club who vacated the premises in September 2011. The building is currently vacant and the use has ceased.

Brackenbury Road is characterised by two storey terraced Edwardian properties with bay windows to the front elevation. Properties are characterised by a short front garden depth with low front boundary walls. As a result none of the original properties in the road have off street parking. Levels drop from southwest to north east along the length of the road. The roofline of the terraced properties is stepped as a result of this. Opposite the site is Longfield Court an infill development of two storey modern block of flats with parking court to the rear.

The site has an area 0.02 hectares.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. The site has been assessed to have a PTAL of 1b, 6 being the highest level of accessibility.

Proposal:

The application is for the demolition of the existing property and replacement with two, 3 bedroom terraced properties.

The front elevation of the proposed new units would line through with the adjoining properties (nos. 82 and 76) and have a single storey projecting front bay with pitched roof. The proposed units have been designed in a traditional L shape with a centrally located two storey rear projection with mono-pitch roof and a single storey

flat roofed element adjacent to the rear boundary with each of the adjoining properties. To the rear at ground floor the proposed rear elevation would line through with an existing single storey element at no.82 and would be 1.8m rearwards of an existing single storey element at no.76. The main rear elevation would line through with the rear elevation of both the adjoining properties. A dormer window is proposed in the rear roofslope. The proposed dormer would be centrally located within the roofslope and be set 0.5m below the ridge and 1.2m back from the eaves.

No off street parking is proposed.

Planning Considerations:

- Principle of development
- Highway safety and parking provision
- Impact on the street scene
- Impact on the residential amenity of adjoining properties
- Sustainable design and construction
- Section 106 contributions
- War memorial

Principle of Development

The NPPF advocates that the government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development, therefore the principle of residential development is acceptable.

However, whilst the Government is committed to maximizing the re-use of previously developed land and empty properties to promote regeneration the NPPF also advocates that new housing development of whatever scale should not be viewed in isolation.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

This is further reinforced by policies contained within the adopted UDP and the emerging Local Plan.

The last use of the existing property was as a social club by the Royal British Legion. Policy DM13 of the adopted Local Plan protects community and education uses. However, community and education uses are defined as health centres, dentists, schools and further education, space for the arts, museums, libraries, community halls and other public meeting venues, theatres, cinemas, indoor and outdoor sports facilities, places of worship and some policing facilities. A private social club is considered to be Sui Generis (without a class) for the purposes of the Town and Country Planning (Use Classes Order) and as a result it is not considered that the proposal would result in the loss of a community building and as a result policy DM13 is not considered applicable.

Given the surrounding area is predominantly residential the principle of residential development in this location is considered acceptable.

Highways Safety and Parking Provision

The proposal is for demolition of the existing hall and construction of 2, three bedroom houses. No off street parking exists for the current use as a social club and no off street parking is proposed for the new houses.

The proposal is not in accordance with the parking standards setout in the Local Plan, however taking into consideration that the existing use does not provide any off street parking, on balance the proposal is considered to be acceptable on highways grounds.

Impact on the streetscene

The current proposal would result in the demolition of all of the existing building at the site and their replacement with a pair of two storey terraced houses that storey structure that would extend across the full width of the site. The proposal would retain the existing front building line but extend the rear building line. The current proposal has re-interpreted traditional features and materials such as dormers; projecting bays; chimneys; clay tiles and brick in order to reflect and respect the existing streetscene.

Whilst the Council would normally require by imposition of a condition that the refuse area for new development is screened, it is considered that given the proposed front garden depth that this would not be appropriate as this would introduce further built form to the frontage of the building. Furthermore, the majority of properties in the street store their wheelie bins, unscreened, to the front of the property and therefore the imposition of such a condition could be seen as unreasonable.

The proposal is therefore considered to be in accordance with Policies CS1, CS5, DM01, DM02 and DM15 of the adopted Local Plan.

Impact on the residential amenity of adjoining properties

The main impact of the proposal will be on the adjoining properties nos 82 and 76 Brackenbury Road.

The proposal would increase the density of the site to 250hr/ha. The London Plan advocates that in suburban areas that a density range of between 150-200hr/ha for a PTAL of 0-1 is acceptable. The proposal would exceed the density range. However, the London Plan advocates that it is not appropriate to apply the density ranges mechanistically. The density ranges for each location type are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design, transport capacity etc. The proposal replicates the density and form of surrounding properties and is therefore considered acceptable. The proposal is therefore not considered to result in an overdevelopment of the site and is in accordance with Policies CS5, DM01 and DM02 of the adopted Local Plan.

The proposal would have a Gross Internal Area (GIA) of 99sqm. The London Plan requires a minimum GIA of 102sqm for a 3 storey, 3 bed, five person house. The proposal would therefore be 3sqm below the minimum requirement. However, a two storey, 3 bed, 5 person house has a minimum GIA requirement of 96sqm. The proposed third storey constitutes a dormer in the rear roofslope replicating loft

conversions that have occurred on other properties in the street and it is therefore not considered that this shortfall in floorspace would form a sufficient reason for refusal.

The proposal would have a rear garden depth of between 8.5-9.5m and amenity space of 33sqm. The provision is not in accordance with current council policy requirements however the proposed layout mirrors that on adjoining properties and maintains the traditional front and rear garden format found in this area and is therefore considered acceptable.

The current property occupies the majority of the site. The proposal will infill the site with a pair of terraced properties which replicate the adjoining properties. A rear garden area will be created which will introduce an open area to the rear of the properties where currently there is none and this is considered acceptable as it would provide a better outlook for the adjoining residential premises.

The proposal would include a two storey projecting rear element which would be set 1.7m off the boundary with both of the adjoining properties and project rearwards 4m which replicates the layout of adjoining properties. Due to the orientation of the site the proposal is not considered to have a significant impact in terms of loss of outlook or light to adjoining properties from this element of the scheme. No.76 has a similar two storey projection.

Accordingly, the proposal is considered to be in accordance with Policies DM01 and DM02 of the adopted Local Plan.

Sustainable design and construction

If Members are minded to approve the application a condition requiring that the development achieve Code Level 3 for sustainable homes is recommended.

Section 106 Contributions

The proposal will result in the creation of additional units at the site and as a result contributions towards healthcare, libraries and education are required.

War Memorial

The current building was originally the Manor Park Mission and as a result there is a marble plaque adjacent to the front entrance which commemorates those who fell during World War I. The plaque lists 23 names. The applicant is currently in discussions with the Royal British Legion (RBL) about whether they wish to retain the plaque. If the RBL do not wish to retain the plaque then the applicant has agreed that they will fund the relocation of the plaque. Officer's are currently in discussions with the Borough Archivists about suitable alternative sites. If members are minded to approve the application it is recommended that a condition be attached regarding the relocation of the plaque.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of these have been considered in the main report however the following additional comments can be made:

- If Members are minded to approve the application then a condition is recommended regarding the relocation of the War Memorial. The cost of

- relocating the War Memorial would be borne by the developer.
- The plans have been amended to address the inaccuracies.
 - The Council's Traffic and Transport department have not objected to the proposal on Highways grounds.
 - The issue of overlooking is considered in the main report. If Members are minded to approve the application a condition requiring a 1.8m high close boarded fence to be erected on the boundary with the adjoining properties is recommended to address the issue of the perception of overlooking that may result as a result of the loss of the existing building.
 - Potential damage to adjoining properties during demolition/construction is not a material planning consideration. However, if Members are minded to approve the application an informative advising the applicant to contact the adjoining property owners to resolve this issue is recommended.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken into account all material considerations, it is considered that subject to compliance with the recommended conditions, this proposal complies with the adopted Local Plan 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: 78-80 Brackenbury Road, London, N2 0ST

REFERENCE: F/03645/12



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LOCATION: Pavement on south side of Barnet Road, close to the junction with Galley Lane, opposite Arkley Public House, Barnet Road, EN5

REFERENCE: B/00516/12

Received: 08 February 2012

Accepted: 08 February 2012 **AGENDA ITEM 9**

WARD: High
Barnet

Expiry: 03 April 2012

Final Revisions:

APPLICANT: Vodafone Ltd

PROPOSAL: Erection of 12.5m high column incorporating antennas.
Installation of 1no. equipment cabinet and 1no. pillar.

SUBJECT TO A SECTION 106 AGREEMENT

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary 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 The Owner and the Applicant covenants with the Council that following the grant of the New Permission (B/00516/12) and the Previous Permission (B/01682/10) by the Council:

(a) It will not implement any part of the Previous Permission (B/01682/10) if the New Permission (B/00516/12) has first been Implemented

(b) It will not implement any part of the New Permission (B/00516/12) if the Previous Permission (B/01682/10) has first been Implemented.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/00516/12 under delegated powers subject to the following conditions: -

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 200, 300 and site specific supplementary information.

Reason:

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

3. The 12.5metre high street furniture column, equipment cabinet and pillar hereby approved shall be painted 'Fir Green' RAL 6009 on the RAL Colour chart.

Reason:

To safeguard the character and appearance of the Conservation 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 Local Plan Core Strategy and Development Management Policies DPD 2012.

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

Local Development Framework:

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

Development Management Policies (Adopted) 2012 – DM01, DM02, DM06, DM18.

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

Having taken all material considerations into account and subject to the completion of a Section 106 agreement which will restrict the applicants from implementing both the previous consent, B/01682/10 and this permission, the proposal would be an acceptable addition to this part of Barnet Road/Wood Street that would protect the character of the surrounding conservation area and would not impact detrimentally on the residential amenity of neighbouring occupiers. The proposal is only acceptable providing the previous extant permission is not implemented, hence the Section 106 agreement. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

2. The proposed location of your furniture if opening on to the footway or a footpath it must allow for a minimum clearance of 1.2 metres and preferably 1.5 metres for pedestrians with the doors fully open. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.

The proposed siting of your furniture must not adversely affect the clear visibility requirements as specified in Manual for Streets produced by Department for Transport for the pedestrians or vehicles at junctions and crossing points.

In accordance with the general guidance given in the Traffic Signs Regulations and General directions 2002, you would need to ensure that if your furniture is located at the front of the kerb, on a verge or a footway than it needs to be a minimum of 0.45m away from the kerb line on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.

3. Matters relating to Notices under the NRSWA and Traffic Management Act 2004 Section 58 Restriction Notice should be referred to NRSWA@barnet.gov.uk directly where they can be picked up by any member of the team.
4. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

RECOMMENDATION III

That if an agreement has not been completed by 12/02/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application B/00516/12 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to prevent the applicant from implementing the development the subject of this application and the previously approved development, reference B/01682/10 which would be sited approximately 2m from the current proposal. In the absence of such an agreement, the implementation of both permissions would have a significantly detrimental impact on the character and appearance of this part of Wood Street and would fail to preserve or enhance this part and the wider Wood Street Conservation Area, contrary to policies CS NPPF and CS5 of the adopted Local Plan Core Strategy 2012 and policies DM01, DM06 and DM18 of the adopted Local Plan Development Management Policies DPD 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

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

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.

Local Plan Core Strategy (September 2012):

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Core Strategy was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

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

Local Plan Development Management Policies (September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. The Development Management Policies DPD was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Development Management Policies: DM01, DM02, DM06, DM18.

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.

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.

Planning History:

Site Address:	Pavement on the south side of Barnet Road, close to the junction with Galley Lane, opposite the Arkley Public House, Barnet, EN5
Application Number:	01682/10
Application Type:	Telecommunications Prior Notification
Decision:	Prior Approval Required & Refused
Decision Date:	12/1/2010

Appeal Decision:	Allow subject to conditions
Appeal Decision Date:	12/1/2010

Proposal: Erection of 12.5m high column incorporating antennas. Installation of 2no. equipment cabinets. TELECOMMUNICATIONS APPLICATION
Case Officer: Fiona Dinsey

Site Address: Pavement on the south side of Barnet Road, close to the junction with Galley Lane, opposite the Arkley Public House, Barnet, EN5

Application Number: 00167/11

Application Type: Conditions Application

Decision: Approve

Decision Date: 01/03/2011

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Submission of details of condition 2 (Details of Colour of Street Furniture Column and Equipment Cabinets) pursuant to appeal decision reference APP/N5090/A/10/2133940 dated 01/12/2010.**

Case Officer: Fiona Dinsey

Site Address: Pavement on the south side of Barnet Road, close to the junction with Galley Lane, opposite the Arkley Public House, Barnet, EN5

Application Number: B/00107/12

Application Type: Telecommunications Prior Notification

Decision: Withdrawn

Decision Date: 06/02/2012

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Installation of 12.5m high pole with supporting antennas, 1no. radio equipment cabinets, 1no. electrical pillar and ancillary equipment. TELECOMMUNICATIONS APPLICATION**

Case Officer: Lisa Cheung

Site Address: Pavement on south side of Barnet Road, close to the junction with Galley Lane, opposite Arkley Public House, Barnet Road, EN5

Application Number: B/00516/12

Application Type: Full Application

Decision: Not yet decided

Decision Date: Not yet decided

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Erection of 12.5m high column incorporating antennas. Installation of 2no. equipment cabinets. TELECOMMUNICATIONS APPLICATION**

Case Officer: Lisa Cheung

Consultations and Views Expressed:

Neighbours Consulted: 116 Replies: 6
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- * Application is identical to the applications made in 2012 as B/01682/10.
- * There are already excessive installations of this type in the area.
- * The scale of this mast will have a very negative effect on the area.
- * Impact on the conservation area.

Internal/Other Consultations:

Highways - No objection

Urban Design and Heritage - Given the appeal decision, no objections are raised.

Monken Hadley and Wood Street Conservation Area Advisory Committee - No comment

Date of Site Notice: 16 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is an area of pavement, located within the Wood Street Conservation Area. Whilst it is within a predominately residential area, the actual site backs onto open fields. The fields and general feeling of openness combine to give the impression of a semi-rural character. Opposite the site is the Arkley Public House. To the southwest of the site are the derelict nurse accommodation buildings, Cedar House.

There is an existing mast sited on the pavement fronting Wood Street, opposite to 160-164 Wood Street which is some 33m away to the northeast of the site.

Proposal:

The proposals relate to the installation of a new cabinet 1900mm (width) x 1700mm (height) x 750mm (depth); a 12.5m high column incorporating antennas and a 1m high equipment pillar. The proposals is part of the O2/Vodafone network.

As the site falls within a Conservation Area, the proposed development does not fall under development permitted by Class A Part 24 of Schedule 2 of the GDPO (as amended 2004) but requires full planning permission.

Planning Considerations:

Council's policies in relation to the siting and appearance of telecommunications equipment generally seek to ensure that their installation (and where relevant their proliferation) does not create adverse environmental effects on the local area surrounding the particular site.

In 2010, consent was refused (ref:B/01682/10) for *'the erection of 12.5m high column incorporating antennas. Installation of 2no. equipment cabinets'*. The reasons for refusal were:

1. The pole and associated equipment cabinets, by reason of their height, size, siting, design and lack of screening on this prominent location, would be unduly obtrusive in the streetscene and result in an unacceptable proliferation of telecommunication equipment on the pavement, causing harm to the appearance of the site, failing to protect or preserve the character of this part of the Wood Street Conservation Area contrary to policies GBEnv1, D1, D2 and D16 of the Adopted Barnet Unitary Development Plan (2006) and advice in PPG8.

2. Insufficient evidence of a satisfactory assessment of alternative sites to provide the optimal location has been provided, contrary to Policy D16 of the Adopted Barnet Unitary Development Plan (2006) and advice in PPG8.

The application was allowed at appeal subject to a condition requiring details of the

colour of the mast and equipment cabinets to be submitted to and approved in writing by the Local Planning Authority.

The Inspector concluded that the previous proposal would have no significant detrimental impact on the character and appearance of the Wood Street Conservation Area and as the proposals reduce what is currently approved, it is considered that this reduces the impact of the proposals on the character and appearance of this part of the Wood Street Conservation Area. A condition has been recommended in respect of the colour of the equipment including the mast. The applicant has proposed 'Fir Green' which is considered to be an appropriate choice for this equipment in this location, given the open land to the south.

The current proposal reduces the amount of equipment proposed to 1 equipment cabinet and 1 metre pillar (as opposed to the currently approved two equipment cabinets) and moves the location of the proposed equipment approx 2m further north east so that the equipment is located on a grass verge as opposed to the pavement.

The current proposal is only acceptable on the basis that the extant permission, reference B/01682/10 is not implemented. Should both permissions be implemented, it would result in visual clutter to this part of the Wood Street streetscene and would be visually obtrusive, and as such would have a harmful impact on the character and appearance of the locality and the Conservation Area. However a Section 106 agreement is currently being drafted which would restrict the implementation of both consents and on the basis of this being completed, this proposal is considered to be acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These matters were considered by the Inspector at the appeal for B/00516/12 who concluded that the proposal would have no significant detrimental effect on the character and appearance of the site and the surrounding area, including the setting of the Wood Street Conservation Area and that it would not conflict with adopted national and local policies that seek, amongst other things, to ensure protection of the character of the area and high quality design.

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, the proposal would result in less impact on the character of the surrounding conservation area than the current extant consent and would therefore not impact detrimentally on the residential amenity of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

SITE LOCATION PLAN: Pavement on south side of Barnet Road, close to the junction with Galley Lane, opposite Arkley Public House, Barnet Road, EN5

REFERENCE: B/00516/12



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LOCATION: 42 Station Road, Barnet, Herts, EN5 1QH

REFERENCE: TPO/00556/12/B **Received:** 03 October 2012

WARD: High Barnet **Expiry:** 28 November 2012

CONSERVATION AREA N/A

AGENDA ITEM 10

APPLICANT: Marishal Thompson and Co

PROPOSAL: 1 x Cedar (T2 Applicants Plan) – Fell. T63 of Tree Preservation Order.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

That the Council grants consent to remove 1 x Cedar (T2 Applicants Plan) - Fell. T63 of Tree Preservation Order, at 42 Station Road, Barnet, Herts, EN5 1QH, subject to the following conditions:

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) shall be planted within 6 months of the commencement of the approved treatment (either wholly or in part). The replacement tree(s) shall be maintained and / or replaced as necessary until 1 new tree(s) 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.

Consultations

Date of Press and Site Notices: 18th October 2012

Consultees: Neighbours consulted: 12

Replies: 4 individual letters and 1 petition with 17 signatures

All respondents object to the proposed removal of the Cedar tree. Two of the individual letter of objection were received after the consultation period had expired.

The grounds of objection can be summarised as:

- Impact on the urban environment with the loss of an attractive mature tree
- Loss of privacy
- Depletion of the natural habitat for birds and wildlife
- The tree is *"healthy and of no risk to safety."*
- Risk of heave
- *"It has been pointed out that the only sure remedy is to underpin the affected property, as it has not been proven that the tree roots are to blame. Indeed the felling of the Sycamore 3 years ago has not improved matters and a recent drain survey showed no root ingress. In fact the main subsidence is to the front elevation on the south side, away from the trees. The damage to this two storey*

hybrid building is much more likely to have been caused by the disparity between building and foundation techniques in Victorian and modern times. A leaking sewer pipe in the neighbouring property at number 44 will also have had an adverse effect."

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Treeworks:-

TREN00206E – Remove deadwood of Deodar standing in area T63; remove deadwood of Oak standing in area T61 and remove Maple (dead) standing in area G31 of Tree Preservation Order. Exemption Notice issued on the 08/08/1994

Development of the Coach House:-

Application **N00206H** – Extensions to side and roof of coach house and conversion to form 1 bedroom dwelling house - was registered on the 9th August 1995 and was granted

CONDITIONAL APPROVAL on the 5th December 1995.

PLANNING APPRAISAL

1. Introduction

This application has been submitted by Marishal Thompson and Co acting as agent on behalf of Crawford and Company - loss adjustors dealing with a claim on the Buildings Insurance for The Coach House 42D Station Road, Barnet, Herts, EN5 1QH.

The application was initially submitted on the 9th August 2012. However, it was incomplete and additional supporting documentation/clarification was requested by the Council. All of the mandatory information was received on the 3rd October 2012 and the application was therefore registered in respect of "1 x Cedar (T2 Applicant's Plan) - Fell. T63 of Tree Preservation Order."

The Tree Preservation Order was made on the 29th January 1969 and includes several individual and group designated trees within the grounds of properties along Station Road New Barnet EN5 and environs. The Order was confirmed by the Minister of Housing and Local Government subject to modifications not affecting the Cedar tree subject of this application on the 27th October 1969. The Cedar is designated T63 of the Tree Preservation Order.

2. Appraisal

Tree and Amenity Value

The subject Cedar stands in the communal rear garden of 42 Station Road close to the flank boundary with 40 Station Road. It stands just over 13 metres from the rear elevation of the main building at 42 Station Road (which contains 42A, 42B and 42C Station Road). The Cedar is 10.3 metres from the north-east corner of The Coach House 42D Station Road. As noted above The Coach House was extended and converted into a residential property in the mid-1990's. The extension was to the western flank of the building and the Cedar tree is about 13 metres away from the newer part of The Coach House.

The Cedar is about 19 metres in height and is mature. It has a trunk diameter of 76cm when measured at 1.5 metres above ground level. The tree has a historic trunk lean towards the east. The trunk straightens at about 6 metres from the ground. The tree has a slightly one-sided lower crown due to the proximity of a mature Walnut tree that is also growing within the garden of 42 Station Road. The tree has had very little previous treatment. Its physiological condition appears reasonable with dense foliage of good colour showing throughout the crown. There is some - mostly minor- deadwood apparent. This includes one hanging dead branch. There is some crossing and rubbing of low secondary branches. The tree has a forked leader and this has affected its crown shape to the detriment of its visual appearance. The trunk diameter of the Cedar does not indicate that it is significantly older than the Victorian property, it is likely to be roughly contemporaneous.

The Cedar tree is among the largest of the trees within the rear gardens of properties in Station Road New Barnet. It is visible and prominent above and between buildings along a stretch of Station Road, Lytton Road and is very clearly visible from Duncan Close and its junction with Plantagenet Road. The tree helps to soften the urban appearance of this part of Station Road, helping to provide a sense of scale for the large residential buildings. The tree provides year-round visual amenity given its evergreen nature. The tree affords some privacy to residential properties and residents have referred to the importance of the tree for local wildlife.

The application

The reason given for this application to fell the Cedar tree - T63 of the Tree Preservation Order is *"The tree identified for remedial works has been implicated as a contributory factor in subsidence damage related to clay shrinkage."*

The agent has submitted the following documentary evidence in support of this application:

- A "Technical Report on a Subsidence Claim" by Crawford and Company dated 9th March 2010
- An "Addendum Technical Report" by Crawford and Company dated 23rd July 2012
- A "Site Investigation Report" by Mat Lab Ltd dated 25th March 2010 and including a site and drainage layout, CCTV survey details, foundation exploratory hole records, a quotation and specification for repairs to the drainage system.
- A "Laboratory Report" by Mat Lab dated 12th April 2010 including roots analysis, moisture content and atterberg limits.
- Levels monitoring data for a period between 29th January 2011 and 16th June 2012 comprising 9 sets of readings.
- Crack monitoring data for a period between 8th March 2010 and 29th March 2012 comprising 12 sets of readings
- An undated "Arboricultural Report" by Marishal Thompson
- A "Technical Report on a Subsidence Claim by Crawford and Company dated 21st October 2006 (and relating to a previous subsidence claim at The Coach House 42D Station Road)
- An "Arboricultural Report by Marishal Thompson dated 10th March 2007 (and relating to a previous subsidence claim at The Coach House 42D Station Road)
- E-mails dated 3rd October 2012, 11th October 2012 and 16th November 2012

It may be noted that no Tree Preservation Order applications were registered in respect of the previous subsidence allegations relating to The Coach House 42D Station Road.

No heave calculations were provided.

The Council's Structural Engineer has visited the site and assessed the information. The Council's Structural Engineer's observations can be summarised as:-

- cause of damage shallow foundation and tree root action. The extension on deep foundations is relatively stable, original foundations affected by tree root action. The differential movement between the two sections of the building will increase the severity of the damage.
- the location of the damage to the property is consistent with the location of the Cedar tree.
- Cedar tree roots were found in the borehole nearest to the tree.
- the Cedar is the most prominent tree nearest to the building.
- Level monitoring results are consistent with tree root action where the monitoring point nearest to the Cedar exhibits maximum seasonal movement.

The Council's structural Engineer has noted that the foundations for the extension accord with the NHBC guidance and that the Council's Building Control records confirm that the extension passed Buildings Regulations.

Trial pit EH/1 was dug adjacent to the north-west corner of The Coach House (by the extension of the building). Trial pit EH/2 was dug adjacent to the north-east corner of The Coach House (by part of the original building). Soil samples found roots particularly in EH/2.

The Cedrus roots belong to the Cedar tree that is subject of this application. Other roots found belong to Sycamore and Apple trees that were not included in the Tree Preservation Order and are no longer present in the garden.

The Council's Structural Engineer has confirmed that the monitoring results are consistent with tree related subsidence and implicate the Cedar tree subject of this application as a causative factor. The pattern of damage to the property is also consistent with the location of the Cedar tree.

The Council's Structural Engineer has concluded that, whilst the differential foundations between the original and extended parts of The Coach House will have increased the severity of the damage, the Cedar tree that is subject of this application appears to be materially contributing to the damage.

The Council's Structural Engineer has advised that "drains cannot be implicated as the soil is desiccated." It therefore follows that if the drains are repaired it would be likely to exacerbate the damage to The Coach House.

3. Legislative background

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

Part 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provides that compensation is payable for loss or damage in consequence of refusal of consent, grant of consent subject to conditions or refusal of any consent, agreement or

approval required under such a condition. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions.

In this case the applicant has indicated that *"provided the tree management is approved and works are carried out expeditiously, we anticipate that superstructure repairs and decorations only will be required. If the tree management is not carried out, it may be necessary to consider a much more costly and disruptive scheme of stabilisation, such as underpinning. Budget estimates are presently as follows:- Superstructure repairs and decorations - £6,400 Underpinning and repairs" - £60,000.*

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage'. The standard is 'on the balance of probabilities' rather than the criminal test of 'beyond all reasonable doubt'.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation pursuant to Part 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012. It is to be noted that the Council's Structural Engineer has concluded that the Cedar tree is implicated in subsidence damage to the property of The Coach House 42D Station Road. Hence there is likely to be a compensation liability (the applicant indicates repair works would be an extra £53,600 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Matters addressed in the body of the report.

CONCLUSION

Marishal Thompson (acting as agent for loss adjustors dealing with a subsidence claim at The Coach House 42D Station Road) are proposing to fell a Cedar tree standing within the communal rear garden of 42 Station Road. The tree is T63 of the Tree Preservation Order. The reason for the proposed felling of this tree is *"The tree identified for remedial works has been implicated as a contributory factor in subsidence damage related to clay shrinkage."*

The Council's Structural Engineer has assessed the supporting documentary evidence and concluded that the Cedar tree is implicated in subsidence damage to The Coach House. The Council's Structural Engineer has suggested that underpinning would be required to stabilise the building if the tree is retained.

The tree is considered to be of public amenity value and its loss would be detrimental to the character and appearance of this part of Station Road. However, the Council's Structural Engineer has reviewed the evidence submitted and concluded that the tree is likely to be implicated in the damage to The Coach House 42D Station Road. The Council must decide whether it is prepared to refuse consent to the proposed felling and face a

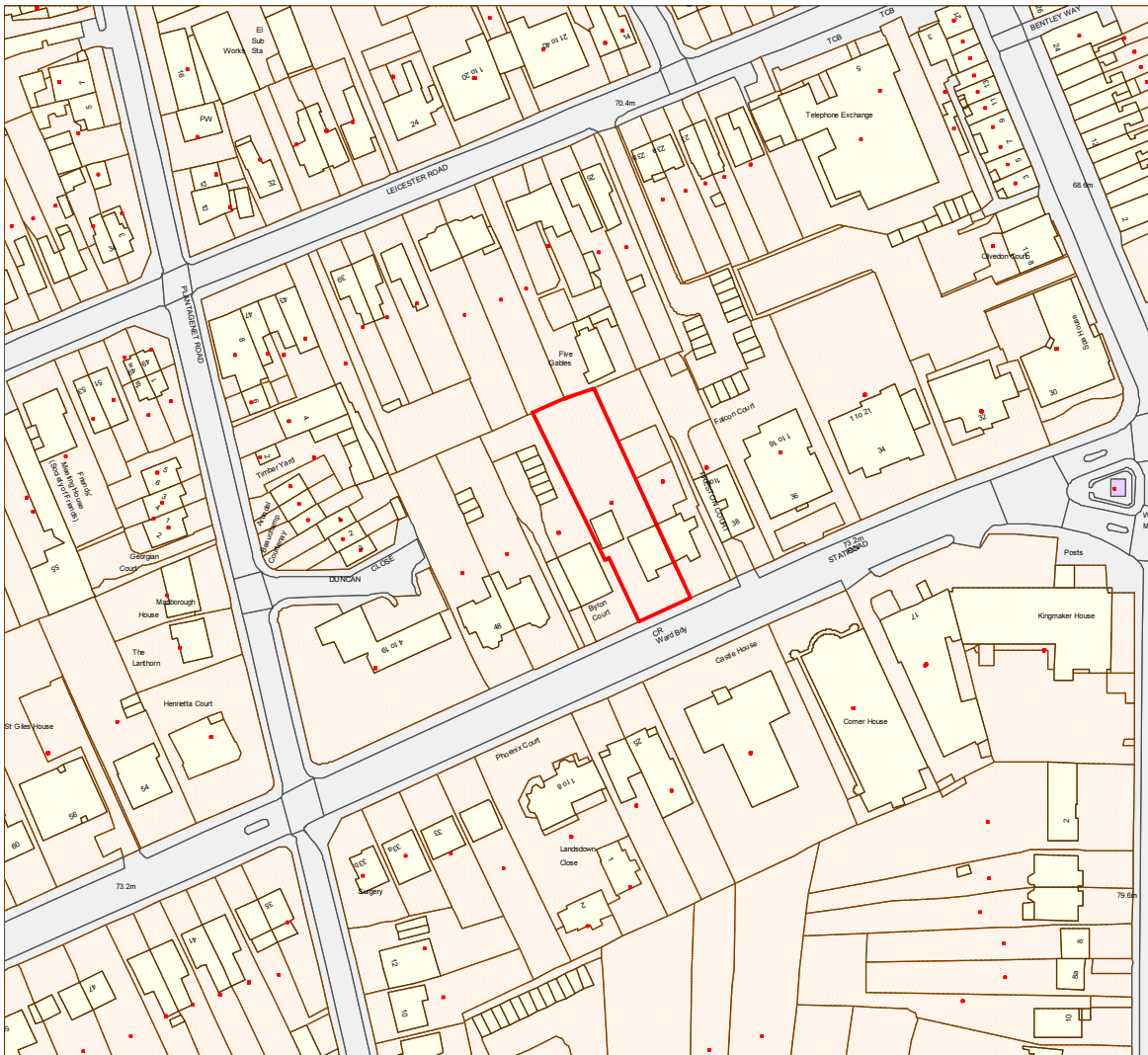
compensation claim potentially in excess of £53,000 or allow the felling subject to replacement planting – which may go some way to mitigating the loss in the longer term. Given the high risk that the Council would be liable to pay compensation in excess of £53,000 if consent is refused for the felling of the tree, it is recommended that consent is granted subject to a replacement planting condition.

SITE LOCATION PLAN:

42 Station Road, Barnet, Herts, EN5 1QH

REFERENCE:

TPO/00556/12/B



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LOCATION: Garage Block, Holden Heights, Holden Road, London
REFERENCE: B/03397/12 **Received:** 06 September 2012
Accepted: 01 October 2012
WARD: Totteridge **Expiry:** 26 November 2012

AGENDA ITEM 11

Final Revisions:

APPLICANT: Mr T & Mrs V Garber

PROPOSAL: Extension to the time limit for implementing planning permission B/04157/09 dated 05/01/10 for 'Formation of a detached single storey dwelling following demolition of existing garages.'

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) | £2,695.00 |
| | A contribution towards the provision of Education Facilities in the borough. | |
| 4 | Libraries (financial) | £244.00 |
| | A contribution towards Library Facilities and Resources in the borough | |
| 5 | Health | £1,184.00 |
| | A contribution towards Health Facilities and Resources in the borough | |
| 6 | Monitoring of the Agreement | £204.35 |
| | 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/03397/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 161HOLD-LP1, 161HOLD-PPE01 and 161HOLD-SP01 (received 12 November 2009).

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the visual amenities of the locality.

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure a satisfactory appearance to the development.

8. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
Reason:
To ensure a satisfactory appearance to the development.
9. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
Reason:
To ensure a satisfactory appearance to the development.
10. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.
11. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.
Reason:
To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.
12. 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 to F of Part 1 to Schedule 2 of that Order shall be carried out within the development site.
Reason:
To safeguard the amenities of neighbouring occupiers and the general locality.
13. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.
Reason:
To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

14. Before the development hereby permitted first commences, details of the proposed car port shall be submitted to and approved in writing by the Local Planning Authority. The car port shall thereafter be constructed and retained in accordance with the approved details, and 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 dwelling unit.

Reason:

To safeguard the character and appearance of the site and the amenities of the occupants of adjoining residential properties.

15. The flat roof of the dwelling 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.

16. 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.

17. Part 1

Before development commences other than for investigative work:

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

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

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

Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

18. The development permitted by this planning permission shall not be commenced until a scheme for provision of compensatory flood storage on the site to a 1 in 100 year climate change standard, on a volume for volume and level for level basis for any flood storage lost as a result of the development has been submitted to and approved by the Local Planning Authority. The compensatory storage shall be retained for the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the impact of flooding on the proposed development and future occupants.

19. The development permitted by this planning permission shall not be commenced until details of the proposed finished floor levels, a minimum of 300mm above the 1 in 100 year flood level including climate change, have been submitted to and approved by the Local Planning Authority. The scheme shall thereafter be completed in accordance with the approved plans.

Reason: To ensure that the development is subject to minimum risk of flooding.

20. The development hereby permitted shall not commence until details showing that satisfactory arrangements can be provided demonstrating that the proposed dwelling can be accessed by emergency service vehicles and the dwelling shall not be occupied until these arrangements are in place and thereafter permanently maintained in accordance with those details.

Reason:

In the interests of public safety.

INFORMATIVE(S):

1. The reasons for this grant of planning permission 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 Development Plan. In particular the following policies are relevant:

Core Strategy (Adopted September 2012): CS NPPF, CS1, CS5, CS7, CS9, CS10, CS13 and CS15.

Development Management Policies (Adopted September 2012): DM01, DM02, DM04, DM15 and DM17.

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

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or give rise to unacceptable flood risk. This proposal is considered to accord with Council policies and guidance.

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 £4935.

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

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

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

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

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

3. The applicant is advised that, with regard to Condition 15, refuse collection points should be located within 10 metres of the public highway. Alternatively, the development access should be re-designed and constructed to allow refuse vehicles to enter the site. The applicant is advised that such a revision to the access would require separate assessment and consideration as part of a planning application. Alternatively, refuse and recycling containers should be brought to the edge of the public highway on collection days. For further information regarding refuse, please contact the Waste and Sustainability team.
4. The applicant is advised to contact the Fire Brigade to discuss their requirements regarding access to the site.
5. In complying with the contaminated land condition parts 1 and 2:

Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) National Planning Policy Framework;
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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

6. The applicant is advised that, in accordance with the Wildlife and Countryside Act 1981 Obligations etc, any and all works carried out in pursuance of this permission 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.
7. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 5 March 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/03397/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education and health 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 CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

The Mayor's London Plan (July 2011):

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

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.

Local Plan Core Strategy (September 2012):

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Core Strategy was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS10, CS13 and CS15.

Local Plan Development Management Policies (September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. The Development Management Policies DPD was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Development Management Policies: DM01, DM02, DM04, DM15 and DM17.

Adopted Supplementary Planning Guidance and Documents

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. A draft consultation version (November 2012) has recently been published, and is out to consultation at present.

Relevant Planning History:

Site Address: 161 Holden Road LONDON N12
Application Number: N00225C
Decision: Refuse
Decision Date: 18/12/1968
Proposal: **detached bungalow and garage.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225E
Decision: Refuse
Decision Date: 19/11/1991
Proposal: **Erection of detached bungalow to rear of Holden Heights,161 Holden Road.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225G
Decision: Refuse
Decision Date: 09/02/1993
Proposal: **Erection of detached bungalow.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225H
Decision: Refuse
Decision Date: 23/04/1996
Proposal: **Three bedroom detached house.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225J
Decision: Refuse
Decision Date: 15/11/1996
Proposal: **Alterations to existing garages to form a new flat roof above.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225K
Decision: Refuse
Decision Date: 04/03/1997
Proposal: **Three bedroom detached house.**

Site Address: 161 HOLDEN ROAD HOLDEN HEIGHTS LONDON N12
Application Number: N00225N/01
Decision: Refuse
Decision Date: 02/05/2002
Appeal Decision: Dismissed
Proposal: **Erection of a one bedroom detached bungalow with basement parking.**

Site Address: R/O 161 Holden Road London N12 7DX
Application Number: N00225P/06
Application Type: Outline Application
Decision: Refuse
Decision Date: 08/01/2008

Appeal Decision: Dismissed
Proposal: **Erection of single storey dwelling to the rear of existing garages with access from Holden Road and hardstanding parking area (OUTLINE APPLICATION).**

Site Address: Garage Block, Holden Heights, Holden Road, London
Application Number: 01585/08
Application Type: Outline Application
Decision: Refuse
Decision Date: 14/05/2009
Appeal Decision: Dismissed
Proposal: **Proposed construction of detached single storey dwelling (OUTLINE).**

Site Address: Garage Block, Holden Heights, Holden Road, London
Application Number: B/04157/09
Decision: Approve with conditions
Decision Date: 06/01/2010
Proposal: **Formation of a detached single storey dwelling following demolition of existing garages.**

Consultations and Views Expressed:

Neighbours Consulted: 44 Replies: 6
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Application will adversely effect and increase traffic in Woodside Lane.
- Access for emergency vehicles would be restricted.
- Occupiers of the flats at Holden Heights would overlook any occupants of the proposed dwelling.

Internal /Other Consultations:

Traffic and Development: No objections are raised on highway grounds, subject to the same conditions and informatives as attached to the previous permission.

Date of Site Notice: 11 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains three detached blocks of garages, located approximately 22 metres rear of the existing block of flats at No. 161 Holden Road ('Holden Heights'). The garages are fairly overgrown, and do not appear to be in use. The application site slopes down from east to west, with the block of flats and the entrance to the site at a higher level (approximately 4 metres) to the application site. To the west of the site and at the bottom of the slope is the Dollis Brook, to the south the rear gardens of properties facing Laurel View, and to the north allotments. The land directly to the north of the site, and that alongside the Dollis Brook is classified as Metropolitan Open Land. The site is accessed from a track which runs from Holden Road down alongside the flats at Holden Heights.

Proposal:

This application proposes an extension to the time limit of planning permission B/04159/09, under which 'the formation of a detached single storey dwelling following demolition of existing garages' was approved. The application was approved in January 2010 and expires on 5 January 2013.

The previously approved bungalow was L-shaped, measuring 10 metres in width by 15 metres in depth. It would have a flat sedum roof 3.25 metres high. As a result of the changing site levels, the rear elevation of the proposal would be sunken into the ground. The garden area would be located toward the Metropolitan Open Land and the Dollis Brook, extending some 45 metres rear of the dwelling.

Planning Considerations:

The guidance published by DCLG regarding the handling of such applications advises that “LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies) which may have changed significantly since the original grant of permission”. In this case, the development plan has changed substantially, in that the Unitary Development Plan (2006) has been replaced by the Local Plan Core Strategy and Development Management Policies Development Plan Document (adopted September 2012). In addition, the National Planning Policy Framework has been published (March 2012) which supersedes all previous planning policy guidance notes and planning policy statements. As such, it is necessary to assess the proposal in light of current adopted policy.

The previously approved planning application followed a number of refusals, which all related to the encroachment of the proposed dwellings on the Metropolitan Open Land adjacent to the site. The approved scheme did not encroach into this land, and was therefore considered acceptable. Having regard to current policy, it is not considered that the proposed dwelling would appear as a prominent feature within the area. It would not adversely affect the character or appearance of the street scene or the wider locality. It would be set sufficient distance from the neighbouring properties such that it would not adversely affect the amenities of the nearest residential properties, and the garden area would be afforded a sufficient level of privacy.

Having regard to the above, and to the content of the NPPF, it is not considered that the revisions to national policy are such that any objections could be raised to the current scheme. As such, no objections are raised to the extension of time to implement the approved development.

During the appeal for planning application B/01585/08, the Environment Agency removed their objections to that previous scheme on the condition that two planning conditions were attached to any permission granted at that time. The two conditions are attached to the current approval.

It is noted that the previous planning permission contained a number of conditions, and most of these remain relevant, reasonable and necessary. Financial contributions to meet the additional pressures on healthcare, library and education facilities which would result from the additional population in the Borough from the new dwelling were requested as part of the previous planning permission, and are to be secured by a Legal Agreement.

Overall, it is considered that the proposed extension of time limit in this case is acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The preservation of views is not a material planning consideration. All other comments raised are addressed in the Appraisal above.

4. EQUALITIES AND DIVERSITY ISSUES

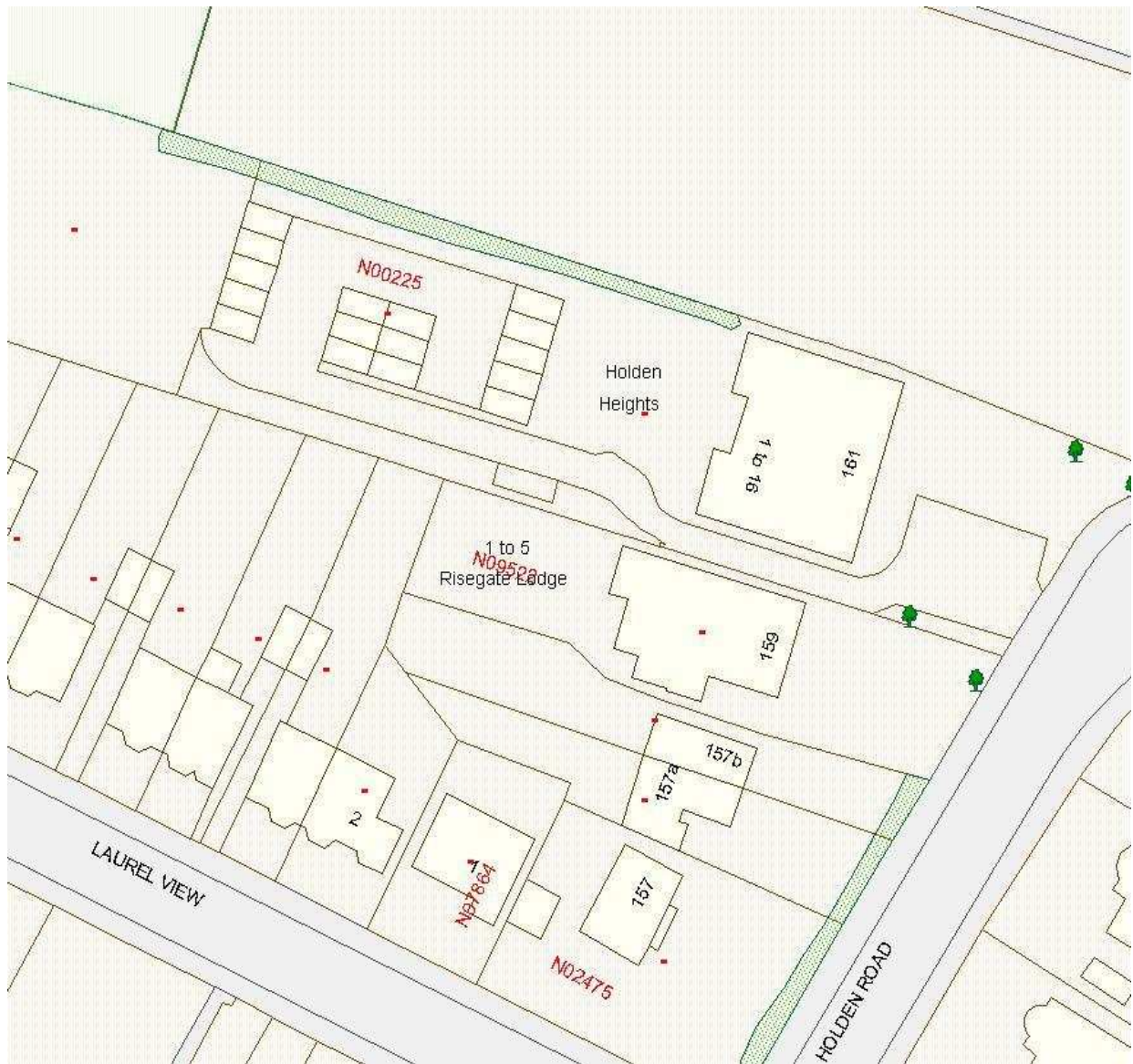
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for **approval** subject to conditions.

SITE LOCATION PLAN: Garage Block, Holden Heights, Holden Road, London

REFERENCE: B/03397/12



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LOCATION: 9 Courthouse Gardens, London, N3 1PU

REFERENCE: F/03828/12

Received: 10 October 2012

Accepted: 16 October 2012

WARD(S): West Finchley

Expiry: 11 December 2012

AGENDA ITEM 12

Final Revisions:

APPLICANT: Mr Casali

PROPOSAL: Single storey front/side extension to existing garage including a new porch.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. ChG/C/GP1 Rev A (date received 16-Oct-2012); Drawing no. ChG/C/GP2 Rev B (date received 21-Nov-2012).

Reason:

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

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

Reason:

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

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

Reason:

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

4. 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, of the extensions hereby approved, facing no.1 Nethercourt Avenue.

Reason:

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

5. 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.

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 Local Plan (2012).

In particular the following policies are relevant:

Supplementary Design Guidance:

Barnet Design Guidance Note 5 - Extension,
Residential Design Guidance (Draft 2012),
Sustainable Design and Construction (Draft 2012),

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5,

Development Management Policies (Adopted) 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 the compliance with the attached conditions, this proposal complies with the Adopted Core Strategy and Development Management 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. The application is in keeping with Council Policies and Guidelines.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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.

Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). 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.

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

Relevant Development Management Policies (Adopted) 2012: DM01, DM02.

Other Material Considerations:

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 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.

Barnet will soon be consulting on two lower tier documents to implement the Core Strategy and Development Management Policies documents. These are now material considerations. The links to the DPRs for each document are set out below.

Residential Design Guidance:

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4342>

Sustainable Design and Construction:

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4343>

Relevant Planning History:

Application:	Planning	Number:	F/01180/12
Validated:	02/04/2012	Type:	192
Status:	DEC	Date:	09/08/2012
Summary:	LW	Case Officer:	Elizabeth Thomas
Description:	Single storey side extension, single storey rear extension and front entrance porch.		

Application:	Planning	Number:	F/03828/12
Validated:	16/10/2012	Type:	HSE
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Denisse Celi
Description:	Single storey front/side extension to existing garage including a new porch.		

Application:	Planning	Number:	F/04793/11
Validated:	28/11/2011	Type:	192
Status:	DEC	Date:	05/12/2011
Summary:	LW	Case Officer:	Denisse Celi
Description:	Extensions to roof including hip to gable, rear dormer window and 3no roof lights to front elevation to facilitate a loft conversion.		

Application:	Planning	Number:	F/04920/11
Validated:	07/12/2011	Type:	HSE
Status:	DEC	Date:	19/04/2012
Summary:	REF	Case Officer:	Elizabeth Thomas

Description: Single storey rear and front extension. Part single, part two-storey side extensions

Consultations and Views Expressed:

Neighbours Consulted: 19 Replies: 13
Neighbours Wishing To Speak 1

Objections received can be summarised as follows:

- Size is out-of-keeping with area and on a prominent junction of Nethercourt Avenue and Courthouse Gardens.
- Proposal part of previous application refused.
- Together with the elements applied for under permitted development, this is a gross and insensitive overdevelopment of the site.
- Adversely affect neighbouring properties.
- Fails to respect appearance, scale, mass, height or pattern of surrounding buildings.
- The property has already been extended with a bulky and unsympathetic loft conversion- further development will exacerbate this.
- Overbearing proposal.
- Another development opportunity which prices families out of the area.
- The property will look much bigger than neighbouring properties and will look 'lopsided'.
- Unlikely to harmonise or respect established character.
- No reference to CoL (F/01180/12) for rear extension, side extension and front porch on plans.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi-detached dwelling on Courthouse Gardens within the West Finchley Ward. The property is of a reddish brick with white render on the front elevation which is dominated by a two storey angular bay and a small external porch with peaked tile roof. The property currently benefits from a single storey garage to the side with a small brick parapet to the front behind a paved driveway.

The property is one half of a pair, both had original hipped roofs and now both benefit from a hip to gable roof extension which has restored the symmetry. The host property is sited on a prominent corner location at the junction with Nethercourt Avenue. It sits at a slight angle to the other neighbouring property at no. 1 Nethercourt Avenue creating an open element which allows views through the site and reflect the corner position in the streetscene.

The property is not listed nor does it fall in a Conservation Area.

Dimensions:

The applicant seeks planning permission for a single storey front and side extension to the existing garage and a new front porch to replace the existing.

A proposal incorporating a front extension including new front porch was previously refused.

The proposed extension including the new porch will have forward projection of 0.9 metres, which will be at the same level as the existing porch. The garage will be extended by approximately 1.35 metres towards no.1 Nethercourt Avenue. The extension will have a mono-pitched roof with an eaves height of 2.4 metres and a maximum height of 2.0 metres at the front and flat roof towards the rear of the site. At the front, the extension to the garage will be sited 0.75 metres away from the existing garage of no.1 Nethercourt Avenue and on the the boundary at the rear.

Planning Considerations:

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

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

Barnet approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The Residential Design Guide SPD provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character. It provides a local reference point to the suite of national guidance on good design.

Following amendments, the porch and front extension of the garage as proposed will not project further than the existing porch and the eaves height will be lower than the existing porch and the existing garage. It is therefore considered to be a subordinate addition, which unlike the previous refusal, respects the proportions of the original house. Furthermore, the roof of the proposed porch is similar to the new gable-end roof of the main dwelling and therefore reflects the appearance of the main roof, harmonising the development with its host property. It is acknowledged that the streetscene is typified by peaked roof porches, however it is considered that the mono-pitched roof of the front extension is in keeping with the gable-end main roof and is considered acceptable.

With regards to the extension of the garage, careful design is required for a prominent corner plot such as this one with the aim of reducing or preventing terracing effect or restricting views which are currently enjoyed through the site. The side extension of the garage, has been set away from the boundary and due to the

lower height of the front parapet, its is deemed to respect the relationship with no.1 Nethercourt Avenue. The spacing between the two properties is maintained at the front by the side extension being sited 0.75 metres away from the boundary. It is therefore not considered that the proposal will introduce a terracing effect.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

Most of the points raised in the objections including issues with respect to character, appearance, scale, mass and bulk have been addressed in the above appraisal. In addition, the impact on neighbouring occupiers and their amenities has also been addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and 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: 9 Courthouse Gardens, London, N3 1PU

REFERENCE: F/03828/12



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LOCATION: 860 High Road, London, N12 9RH

REFERENCE: F/03699/12 **Received:** 01 October 2012

Accepted: 05 October 2012

WARD(S): Woodhouse **Expiry:** 30 November 2012

AGENDA ITEM 13

**Final
Revisions:**

APPLICANT: Mr Koyunlu

PROPOSAL: Retention of the installation of new shopfront.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Plan No's: 1235 P 1B; 1235 S 1A.

Reason:

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

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, the Core Strategy (2012) and the Adopted Local Plan Policies (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012:

Relevant Policies: DM01, DM02.

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

The proposal complies with Council policies that seek to preserve the character of areas and individual properties and it is considered to have an acceptable impact on the Woodhouse ward. The proposal is considered acceptable in terms of appearance and would be compatible with existing properties in the vicinity of the site. The proposal would not detract from the amenities of surrounding 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 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.

Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). 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.

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

Relevant Development Management Policies (Adopted) 2012: DM01, DM02.

Other Material Considerations:

Design Guidance Note 10 - Shopfronts.

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

Barnet will soon be consulting on two lower tier documents to implement the Core Strategy and Development Management Policies documents. These are now material considerations. The links to the DPRs for each document are set out below.

Relevant Planning History:

Site Address: 860 High Road N12
Application Number: N07582
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/01/1984
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shopfront**
Case Officer:

Site Address: 860 High Road LONDON N12
Application Number: N07582C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 14/09/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New display window on Ravensdale Avenue frontage.**
Case Officer:

Site Address: 860 High Road LONDON N12
Application Number: N07582B
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 10/09/1987
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Illuminated projecting sign and new internally illuminated fascia lettering.**
Case Officer:

Site Address: 860 High Road London N12 9RH
Application Number: C01543B/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 05/12/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Proposed extractor system.**
Case Officer: Fabien Gaudin

Site Address: 860 High Road London N12 9RH
Application Number: C01543A/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 17/01/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use of first floor and part-ground floor (within single storey building fronting Ravensdale Avenue) from Retail (Class A1) to Restaurant (Class A3). Alterations to shopfront including formation of access to first floor from High Road and repositioning of Retail Unit entrance.**
Case Officer: Fabien Gaudin

Site Address: 860 HIGH ROAD LONDON N12
Application Number: C01543
Application Type: Advertisement
Decision: Approve with conditions

Decision Date: 30/06/1967
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Advert**
Case Officer:

Site Address: 860-884 High Road N12
Application Number: N/03278
Application Type: Full Application
Decision: Refuse
Decision Date: 06/09/1972
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **redevelopment with twelve shops, offices and six maisonettes**
Case Officer:

Site Address: 860-884 High Road N12
Application Number: N/03278/A
Application Type: Full Application
Decision: Refuse
Decision Date: 10/01/1973
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **13 shops, 13 maisonettes and garages**
Case Officer:

Site Address: 860-884 High Road N12
Application Number: N/03278/B
Application Type: Full Application
Decision: Refuse
Decision Date: 26/06/1974
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **the redevelopment with 4 and 5 storey blocks of 46 flats, with parking.**
Case Officer:

Site Address: 860 High Road, London, N12 9RH
Application Number: F/02049/12
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of the change of use from Class A1(Retail) to Class A3 (Restaurant)**
Case Officer: Neetal Rajput

Site Address: 860 High Road, London, N12 9RH
Application Number: F/03700/12
Application Type: Advertisement
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of the installation of 3no. new internally illuminated fascia signs**
Case Officer: Neetal Rajput

Enforcement Notices

Reference Name **ENF/00704/08**

Description **Breach of Condition Notice dated 30-9-09 under section 187A of the Town & Country Planning Act 1990. (Condition 4 of the planning permission C01543A/05)**

Reference Name **ENF/00704/08 / SrvEND**

Description **Without planning permission, the change of use from Retail (Class A1) to Restaurant (Class A3) within the last ten years**

Allowed at Appeal

Consultations and Views Expressed:

Neighbours Consulted: 45

Replies: 5

Neighbours Wishing To 0

Speak

The objections raised may be summarised as follows:

- Rise in noise level since new doors have been fitted – allows access onto Ravensdale Avenue– neighbours would need to stay in doors to avoid noise., loud music and announcements made over the microphone running into the early hours of the morning.
- Previous design was much quieter and aesthetically better looking.
- Odour from cooking – unable to enjoy garden.
- Suffered from mephitic fumes.
- Shopfront installed with no regard for the requirements of planning permission.

One letter of support received - new shop front looks nice.

Date of Site Notice: 11 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is a two-storey building at the corner of Ravensdale Avenue and High Road in North Finchley Town Centre. The site lies within a secondary retail frontage. The property is located amongst a number of larger properties that operate for commercial usage with residential units above. This particular site has been operating as a Turkish restaurant.

There has been a previous enforcement investigation at the application site for '*Without planning permission, the change of use from Retail (Class A1) to Restaurant (Class A3) within the last ten years*'. The change of use from Retail (Class A1) to Restaurant (Class A3) within the last ten years was allowed at appeal APP/N5090/C/11/2163953 in June 2012.

Proposal:

The application is for the retention of a new shop front. There has been the insertion of bio-folding doors on the side elevation and glazing bars on the front elevation with a change in the position of the front door.

There is a current application F/03700/12 for '*retention of the installation of 3no. new internally illuminated fascia signs*' which is under considerations and amendments have been requested in regard to the proposal.

Planning Considerations:

Housed in the purpose built unit, the proposed new shop front would have little detriment on any other properties or the character of the area generally. It is in character with this part of North Finchley town centre. Its design, size and siting is acceptable. The scale, proportions and materials are appropriate for the premises and do not have a damaging impact on the rest of the street. It is considered that the shop front would be an improvement on others along the street.

Due to the variation of shops along the street it is not considered that the change in style will have any harmful impact on the character of the area of the North Finchley town centre. Given the commercial nature of the surrounding area, the new shop front remains in keeping with the guidelines for the area, the shop front is considered to be in keeping. This application is in keeping with Council policies and guidelines and is therefore recommended for **APPROVAL**.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections have been covered in the above appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

The new shop front is considered acceptable in terms of appearance and would be compatible with existing properties in the vicinity of the site. The proposal does not detract from the amenities of surrounding occupiers. It is considered that the new shop front would comply with Council Design Guidance and the application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 860 High Road, London, N12 9RH

REFERENCE: F/03699/12



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