

MEETING

WEST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

WEDNESDAY 9TH APRIL, 2014

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

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

Chairman: Councillor Maureen Braun
Vice Chairman: Councillor Eva Greenspan

Councillors

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

Substitute Members

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

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

Andrew Nathan – Head of Governance

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

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Declaration of Members' Personal and Prejudicial Interests	
4.	Public Question Time	
5.	Members' Item	
6.	Applications for Planning Permission and Consent under the Advertisements Regulations	
7.	1-3 Bovingdon Lane, London, NW9 5WJ - H/05587/13	1 - 8
8.	47-49 Woodstock Road, London, NW11 8QD - F/06062/13	9 - 28
9.	14 Ridge Hill, London, NW11 8PS - F/00528/14	29 - 36
10.	SO 148 Colin Gardens, London, NW9 6ER - H/00243/14	37 - 48
11.	4 Manor Park Crescent, Edgware, Middx, HA8 7NN - H/00213/14	49 - 58
12.	5-7 Middleton Road, London, NW11 7NR - F/00734/14	59 - 68
13.	14 Spaniards End, London, NW3 7JG - F/05159/13	69 - 78
14.	14 Spaniards Close, London, NW11 6TH - F/00004/14	79 - 90
15.	57 The Burroughs, London, NW4 4AX - H/05850/13	91 - 98
16.	Middlesex University, The Burroughs, London, NW4 4BT - H/06124/13	99 - 116
17.	33 Birkbeck Road, London, NW7 4BP - H/00354/14	117 - 124
18.	Any other items that the Chairman decides are Urgent	

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LOCATION: 1-3 Bovington Lane, London, NW9 5WJ

REFERENCE: H/05587/13 **Received:** 26 November 2013

Accepted: 13 December 2013

WARD(S): Burnt Oak

Expiry: 07 February 2014

AGENDA ITEM 7

**Final
Revisions:**

APPLICANT: Mr O Ngoka

PROPOSAL: First floor rear extension to 3 properties.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; proposed layout dated 09.12.13; side elevation existing dated 09.12.13; side elevation proposed dated 09.12.13; existing layout 09.12.13.

Reason:

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

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

Reason:

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

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

Reason:

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

4. The extensions hereby approved shall be completed in full accordance with the approved plans within 6 months of the date of commencement.

Reason:

To ensure that harm is not caused by the partial implementation of the planning permission.

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

expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing 4 Bovingdon Lane.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

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

The application was deferred at the last committee 06.03.2014 for a site visit.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

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

The Mayor's London Plan July 2011:

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

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

Relevant Local Plan (2012) Policies:

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

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

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

Supplementary Planning Documents and Guidance

The Council adopted two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013) are now material considerations.

Relevant Planning History:

Site history for current landparcel :
39736 - 1-3 Bovingdon Lane, London, NW9 5WJ
Case Reference: H/05587/13

Application:	Planning	Number:	H/01907/11
Validated:	07/06/2011	Type:	HSE
Status:	APD	Date:	07/02/2013
Summary:	DIS	Case Officer:	Deirdre Jackman
Description:	First floor rear extension.		

Application:	Planning	Number:	H/05587/13
Validated:	13/12/2013	Type:	HSE
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Elizabeth Thomas
Description:	First floor rear extension to 3 properties.		

Application:	Planning	Number:	W/14487/06
Validated:	08/06/2006	Type:	APF
Status:	DEC	Date:	28/07/2006
Summary:	APC	Case Officer:	Graham Robinson
Description:	Single storey rear extension.		

Consultations and Views Expressed:

Neighbours Consulted:	39	Replies:	1 objection letter with 6
signatures; 21 signatures of support.			
Neighbours Wishing To Speak	0		

Summary of objections:

- Does not blend in with the street and amenity area.
- Fails to take account of the group value and character of area.
- Inconsistent material therefore unsuitable design.
- Making open space into crammed space.
- Existing plans of properties show the property inaccurately.
- Reduce distance between properties on Cranfield Drive.
- Insufficient and inadequate car parking in the area.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to three terrace dwellings which forms part of a terrace of four on the northwestern side of Bovingdon Lane, a cul-de-sac off Acklington Drive.

The site is within the North Adastral Village with Grahame Park nearby. The wider setting is a residential area with Blundel Road to the north and Lanacre Avenue to the south. The A5 lies to the west and the M1 lies to the east.

Dimensions:

Planning permission is sought for a first floor rear extension across three dwellings within the terrace.

House 1 - the proposed first floor extension will have a depth of 2.9m set off 2m from the main side building line of the main property.

House 2 - the proposed first floor extension will have a depth of 2.9m the full width of the existing dwellinghouse.

House 3 - the proposed first floor extension will have a depth of 2.9m the proposal will be set off 2.9m from the neighbouring property no.4.

Each of the extensions will have an individual pitched roof over the extension.

Planning Considerations:

Planning permission has previously been refused for for a first floor rear extension to each of the four properties (including no's 1,2,3,4 Bovingdon Lane). Four individual applications were submitted for a first floor extension measuring 3.3m in depth the full width of each property. The current permission is now a joint application for three of the four properties within the terrace. The first floor extension has now been reduced in depth to 2.9m with a set in to number 1 and number 3. The reduction in projection and the set in is considered to sufficiently overcome previous reasons for refusal.

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

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

The Council's 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 Council's adopted SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The Council's Residential Design Guidance advises that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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.

Number 3 Bovingdon Lane is adjacent to number 4 which is not part of the application. Consideration has to be given as to the impact of the first floor rear addition at no.3 on the amenities of the residential occupiers at no.4. The first floor extension will project 2.9m in depth but will be set off the common boundary by 2.9m and as such the proposal is not considered to result in any loss of amenity to the residential occupiers.

The proposed extension is considered to maintain a sufficient distance between the rear gardens of Cranfield Drive and habitable rear windows of the properties along Cranfield Drive without resulting in detrimental harm to the amenities of the residential occupiers or enclosing the gaps between the properties to an unacceptable degree.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections are largely considered to be covered in the above appraisal. In regards to parking the proposal is for extensions to the existing dwellings and is not considered to give rise to an increase in intensity of car parking demand.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN: 1-3 Bovington Lane, London, NW9 5WJ

REFERENCE: H/05587/13



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LOCATION: 47-49 Woodstock Road, London, NW11 8QD

REFERENCE: F/06062/13

Received: 20 December 2013

Accepted: 20 December 2013

WARD(S): Childs Hill

Expiry: 14 February 2014

AGENDA ITEM 8

**Final
Revisions:**

APPLICANT: Mr Morris

PROPOSAL: Demolition of existing pair of semi-detached houses and erection of 1No. 4 storey building plus double storey basement and including rooms in roof space, to accommodate no.9 self contained flats and no.17 underground parking spaces, storage, waste storage facilities and associated landscaping (Amended Description).

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Drawing no. WR13-PP-01; Drawing no. WR13-PP-02; Drawing no. WR13-PP-06 (date received 20-Dec-2013); Drawing no. WR13-PPA-200 Rev C; Drawing no. WR13-PPA-201 Rev C; Drawing no. WR13-PPA-202 Rev C; Drawing no. WR13-PPA-203 Rev C; Drawing no. WR13-PPA-204 Rev C; Drawing no. WR13-PPA-206 Rev A; Drawing no. WR13-PPA-101 Rev C (date received 14-Mar-2014).

Reason:

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

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

Reason:

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

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

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD

(2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

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

Reason:

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

5. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with Drawing No WR13-PPA-200 Rev C submitted with the planning application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

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

6. Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts must be submitted to and approval by the Local Planning Authority and the details approved shall be implemented and retained thereafter.

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

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

Reason:

In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

8. No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason:

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

10. With the exception of areas marked as terraces on the approved plans listed in condition 1, the flat roof areas of the building hereby permitted shall only be used in connection with the repair and maintenance of the buildings and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

11. 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 hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

13. Before the development hereby permitted is occupied, the outdoor amenity areas shall be implemented as indicated on plan WR13-PPA-201 Rev C and retained as such on site thereafter.

Reason:

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

14. The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

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

Reason:

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

16. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

17. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise

the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

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

Reason:

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

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

Reason:

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

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

Reason:

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

21. 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) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

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

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

23. Before the development hereby permitted commences, details of the lightwells shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

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

24. Notwithstanding the approved plans, drawings at 1:20 scale showing details of the window reveal depths shall be submitted and approved in writing by the local planning authority prior to commencement of the development hereby approved (except site preparation/enabling works). The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason:

To ensure the highest standards of design in the interests of the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan

INFORMATIVE(S):

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £38,850 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £149,850 payment under Barnet CIL.

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

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

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

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

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

3. In case if any modification is proposed or required to the existing access off the public highway, then it will be subject to a detailed investigation by the

Crossover Team in Environment and Operations Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from DRS, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

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

4. Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason:

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

6. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk

Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

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

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

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, CS4, CS5, CS9, CS15.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM08, DM17.

Other Material Considerations:

Residential Design Guidance (April 2013)
Sustainable Design and Construction (April 2013)
Planning Obligations SPD (April 2013)

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 Sustainable Design SPD provides detailed guidance and sets out how sustainable development will be delivered in Barnet. Section 2 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Chapter 15 of the Council's Guide 'Residential Design' seeks to revise and upgrade Design Guidance Note 7 which deals with Residential Conversions. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design conversions which would receive favourable consideration by the Local Planning Authority and sets out how the council considers applications for the conversion of single family homes into two or more self-contained units.

Included advice specifies that when conversions seek new exterior alterations, such as replacement windows, doors or porches, these should reflect the prevailing local character and enhance, not disrupt, the streetscape. Conversions in appropriate locations should not have any detrimental effect; they should not raise privacy issues, parking problems or have adverse effects on residential amenity. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

The Planning Obligations SPD sets the requirements for different scales of development and obtaining Planning Obligations for open spaces, transport, community facilities and environmental requirements. It has been adopted alongside the Barnet's CIL Charging Schedule in May 2013, which replaces the previous obligations towards Education, Libraries and Health, and is a flat rate charge for all development as specified in the CIL Charging Schedule.

Relevant Planning History:

Application:	Planning	Number:	F/00061/10/ENQ
Validated:	20/05/2010	Type:	ENQ
Status:	REG	Date:	
Summary:	DEL	Case Officer:	David Campbell
Description:	Demolition of existing building and erection of 9 flats.		

Application: Planning
Validated: 08/07/2013
Status: WDN
Summary: WIT
Description: Demolition of existing buildings and erection of 1no. 4 storey building plus basement and including rooms in roof space, to accommodate 9No. self contained flats and a11no. parking spaces, cycle storage, waste and recycling storage facilities and associated landscaping.

Number: F/02849/13
Type: APF
Date: 02/09/2013
Case Officer: Tassama Amlak

Application: Planning
Validated: 20/12/2013
Status: REG
Summary: DEL
Description: Demolition of existing pair of semi-detached houses and erection of 1No. 4 storey building plus double storey basement and including rooms in roof space, to accommodate no.9 self contained flats and no.17 underground parking spaces, storage, waste storage facilities and associated landscaping (Amended Description).

Number: F/06062/13
Type: APF
Date:
Case Officer: Denisse Celi

Consultations and Views Expressed:

Neighbours Consulted: 85 Replies: 6
Neighbours Wishing To Speak 0

The objections received before amendments and re-consultation the raised may be summarised as follows:

- Too dense
- Excessive on site-parking accessed from a small busy road.
- Building completely different to that on street.
- Out of character.
- Flooding
- Loss of family units
- Additional traffic congestion despite the underground parking
- Building will be taller
- Loss of light
- Additional residents, additional noise.
- Different age groups attracted results in loss of family orientated nature of locality
- Modern building not in keeping with character of area
- Obstruct views & light to adjacent to neighbouring properties
- Additional occupiers resulting in additional noise.

Additional objections received based on amended scheme can be summarised as follows:

- Revised scheme is twice the size of surrounding houses
- Multiple skylights are hideous
- Poor access to underground parking from Armitage Road, creating significant traffic problems
- Poorly designed, ugly

Internal /Other Consultations:

Highways- raised initial concerns with insufficient parking spaces for the size of the proposed development, the access from the car lift, inadequate turning spaces in the

underground parking. The highways officer recommended that a development of this size and in this location should benefit from a range of between 10.5 to 16 parking spaces to meet the parking standards set out in Policy DM17. The amendments are considered to have addressed the concerns from Highways. In principle, the Highways support the application and have recommended several conditions and highways informatives which are attached to this report.

Date of Site Notice: 23 January 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is comprised of a pair of two storey semi-detached properties located on the corner of Woodstock Road, at the junction with Armitage Road, within the Golders Green Ward. The properties are not listed nor do they lie within a Conservation Area.

Development along this section of Woodstock Road is mixed in nature. It consists of single family dwellings, blocks of purpose-built flats and converted flats of varying designs and between two and three storey in height.

The site is located close to the Golders Green Town Centre and has been rating as having very good accessibility with a PTAL rating of 6a.

Proposal:

The applicant seeks planning permission for the following development:

- Demolition of existing semi-detached houses consisting of a single family unit (no.49) and a converted property accommodating 3no self-contained flats (no.47)
- Erection of four storey building and associated a double storey basement including 17 underground parking spaces and storage at basement level 2.
- Provision of 9no. self-contained flats and mixed private and communal amenity space.
- Associated landscaping

The proposed flats will consist of 4no duplex flats at basement level 1 and ground floor (2no. x 3 bed flats and 2no. x 4 bed flats); 2no flats at first floor (2no. x 3 bed flats); 2no flats at second floor (2no. x 3 bed flats); 1no flat at third floor (1 bed flat).

The current proposal follows the withdrawal of the previous planning application (reference F/02849/13) for a development to accommodate a similar number of units on the site, and extensive negotiations with the Planning Department to address several issues with design, massing and scale.

Planning Considerations:

The main issues in this case are considered to be covered by the following main areas:

- Whether the principle of residential units including the density of the development is appropriate for the area;

- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Principle of self contained units

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

The Council recognises that flat developments can make an important contribution to housing provision, particularly in Town Centre locations and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. 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.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas. The assessment of these is considered at below.

Development Plan Policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough.

The principle of demolition is considered acceptable. The property are not within a conservation area and are not of particular architectural merit to warrant its retention. Furthermore, there are other examples of purpose built block of flats in the vicinity

and therefore the principle of flatted development would not be out of character with the locale.

Density

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has excellent accessibility and benefits from the highest PTAL of 6a. It is considered to fall within an urban setting as defined in the London Plan.

The London Plan Density Matrix therefore suggests a range of 45 to 185 units per hectare and 200 to 700 habitable rooms per hectare. The site is approximately 0.0932 hectares in size, proposes 9 flats with a total of 57 habitable rooms. The proposal for 9 flats would equate to a density of 97 units per hectare (612 habitable room per ha).

All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objection on this matter.

Standard of accommodation provided and amenities of future occupiers of the proposed units

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council's adopted supplementary planning documents (SPDs), Sustainable Design and Construction and Residential Design Guidance, and the Mayor's Housing Supplementary Planning Guidance, provide more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers.

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. All the proposed units comply with or exceed these minimum standards as indicated in the table below:

	<i>Size of Unit</i>	<i>Floorspace provided</i>	<i>Minimum space standard</i>
Flat 1	4 bed 8 occupiers	196 m ²	119 m ²
Flat 2	4 bed 8 occupiers	184.9 m ²	119 m ²

Flat 3	3 bed 6 occupiers	159.1 m ²	95 m ²
Flat 4	3 bed 6 occupiers	168.9 m ²	95 m ²
Flat 5	3 bed 5 occupiers	119.6 m ²	86 m ²
Flat 6	3 bed 6 occupiers	112.2 m ²	95 m ²
Flat 7	3 bed 5 occupiers	110 m ²	86 m ²
Flat 8	3 bed 5 occupiers	105.5 m ²	86 m ²
Flat 9	1 bed 2 occupiers	64.9 m ²	50 m ²

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed is considered to maximize the outlook of occupiers, and the amendments to the scheme have ensured that the quality of the outlook for future occupiers, particular to the habitable rooms located on the basement level, is acceptable.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units; an appropriate condition has been attached to the recommendation.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm). The applicant has provided private gardens for Flat1 and Flat 2 which meet the outdoor amenity space standard. In addition, a communal garden of 159 sqm at basement level and 159sqm at ground floor is provided. This exceeds the required amenity space for the 7 flats (excluding flats 1 and 2 which benefit from private outdoor amenity space) of 195 sqm and is therefore acceptable.

Refuse bins are located to the rear of the site and accessed from Armitage Road.

With regards to the provision of parking, the amended scheme provides 17 parking spaces including 4 disabled parking spaces, which are accessed by a car lift off Armitage Road. In addition, the scheme incorporates storage spaces at basement level 2.

For the reasons specified above, the proposal is considered to provide substandard accommodation to future occupiers and is therefore acceptable.

Design and character matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

Development should seek to make the most effective and efficient use of land. A design-led approach should be taken to defining appropriate plot ratios and residential densities, having regard to the suburban setting, good public transport accessibility, building heights. Massing (bulk of buildings) should be reflective of the suburban setting and role of the town centre; any element that results in over-dominance (visual) should be avoided.

The buildings and spaces proposed in the application respond positively to the context of the site and are found to have an acceptable relationship with the neighbouring buildings, streets and spaces. This is achieved in a number of ways.

The proposed design and bulk of the proposed building has been amended to respect the pattern of buildings in this section of the road. In addition, the scale of the building would also be in keeping with adjacent buildings. The building has been designed and amended to reflect the architectural style of similar properties, in particular the semi-detached properties located to the north west (no.45 and 43). The ridge height, bulk and style of roof and front gables are reflective of the immediately adjoining properties and therefore are not considered to be over dominant in the corner location. At the rear elevation, the design incorporates gable projections that area characteristic to the properties of the same period.

An additional storey has been created by lowering the ground floor level, although the height of the proposed building would not exceed that of the immediately adjacent development and there would be adequate space between both the proposed development and existing surrounding properties to ensure that it is not overly dominant.

The side elevation fronting Armitage Road has been significantly reduced in depth in order to reduce the visual impact on the streetscene. The projection along Armitage Road is reflective of the massing of the other properties in the immediate vicinity and the building is not considered to be overly dominant on this streetscene.

In summary, officers consider that the size, scale, siting and design of the building proposed are such that they would adequately respect the character of the surrounding area. The overall design quality of the development responds to the site context. Subject to the conditions recommended, the proposal is found to be acceptable and compliant with Development Plan Policies as they relate to design

and character matters. The proposal is therefore considered to comply with the relevant design policies set out above.

Living conditions of neighbouring occupiers and impact on character

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

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity.

The Residential Design Guidance SPD identifies that there should be a minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking in new developments. The development exceeds these requirements and therefore the development would not result in overlooking to adjacent properties or loss of light.

The ground floor will not project more than 3.5 metres from the rear elevation of no.45 and is therefore considered to cause greater harm than if the existing dwelling were retained and an extension of 3.5 metres, which complies with the Council's guidance, was erected. Similarly, at first floor level, the projection closest to no. 45 will not project further than the existing rearward projection of no.45. Therefore, the rearward elements at the depth specified are not considered to be detrimental to the amenities of neighbouring occupiers and will not result in loss of light or perceived sense of enclosure in particular, to neighbouring occupiers.

It is noted that the intensification of the use will increase, however given the Town Centre location, it is not considered that this is sufficient to warrant refusal of the application.

Following Highways consultation, the proposal (as amended) is considered to be acceptable and it is considered that there are adequate parking spaces for the size of the development.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013. The proposal is liable for the increase in floorspace which has an area of 1110 sqm. Therefore, should the application be approved at appeal, the Mayoral CIL required is **£38,850.00** and the Barnet CIL required is **£149,850.00**.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the comments raised by objectors have been addressed in the report 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, the proposed development is considered to result in accommodation that exceeds the minimum space standards and therefore would be suitable for future occupiers. Furthermore, the massing, siting and design of the overall building would reflect the immediate adjacent properties and the general mixed tenure locale. 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: 47-49 Woodstock Road, London, NW11 8QD

REFERENCE: F/06062/13



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LOCATION: 14 Ridge Hill, London, NW11 8PS

REFERENCE: F/00528/14

Received: 31 January 2014

Accepted: 11 February 2014

WARD(S): Childs Hill

Expiry: 08 April 2014

AGENDA ITEM 9

Final Revisions:

APPLICANT: Mr & Mrs M Bordon

PROPOSAL: New basement level including 1no. light well. New hard-standing to provide 1no. front off-street parking and new crossover. First floor rear extension.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location, Drawing Number 01 and 02 Rev A.

Reason:

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

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

Reason:

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

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

Reason:

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

4. 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 flank elevations, of the extension hereby approved, facing the neighbouring properties.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

6. Before the building hereby permitted is occupied the proposed window(s) in the first floor side elevation facing 16 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 in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

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

- 2 If the proposal is carried out it will be necessary for a new crossovers to be constructed by the highways Authority. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. The applicant should submit a vehicle crossover application to London Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP. Any required re location of street furniture including lamp columns affected by the proposed crossover or required or modifications to parking bays and road markings, would be carried out at the applicant's expense.

Any necessary re location of lighting column(s) affected by the proposal may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained along Ridge Hill.

The proposed vehicular crossover will involve alterations to the existing on-street parking bays. Alterations to on-street parking bays will be subject to a statutory consultation. The Council cannot prejudge the outcome of the consultation process.

The applicant is advised that following the outcome of the detailed crossover inspection the position and size of the proposed crossover may need to be amended.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

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

The Mayor's London Plan July 2011:

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

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

Relevant Local Plan (2012) Policies:

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

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

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

Supplementary Planning Documents and Guidance

Residential Design Guidance SPD

Relevant Planning History:

Application:	Planning	Number:	F/03244/13
Validated:	23/07/2013	Type:	PAH
Status:	DEC	Date:	20/08/2013
Summary:	PANR	Case Officer:	Prior Approvals Officer
Description:	Single storey rear extension with a proposed depth of 5.2 metres, eaves height of 3 metres and maximum height of 4 metres.		

Consultations and Views Expressed:

Neighbours Consulted: 15 Replies: 9
Neighbours Wishing To Speak 3

Summary of objections raised:

- Concerns raised in relation to the basement level causing subsidence as the property is located on a hill.
- The proposed first floor extension will lead to a loss of privacy of a neighbouring garden.

Internal/ Other Consultations

Highways department - No objection

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi detached property located on the north eastern side of Ridge Hill which is residential in character.

Dimensions:

The application seeks permission for a new basement level including 1no. light well. New hardstanding to provide 1no. front off-street parking and new crossover. First floor rear extension.

The proposed basement will have a depth of 8 metres and a width of 7 metres.

The proposed first floor rear extension will have a maximum depth of 3 metres, a width of 4.5 metres and a height of 6.2 metres with a hipped roof.

Planning Considerations:

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

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

The Council's 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 Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The Council's SPD 'Residential Design Guidance' states that "the council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties."

The proposed first floor rear extension is stepped with a depth of between 2-3m. Due to the stepping of the adjoining properties the proposed extension will project marginally beyond the first floor rear wall of the neighbouring property No.12 Ridge Hill. The extension would be sited 3 metres from the of the neighbouring property No. 12 Ridge Hill and 2.5 metres from the boundary of No.16 Ridge Hill. It is therefore considered on balance that the proposed first floor element is considered to be acceptable and would not be detrimental to the amenities of the neighbouring properties.

The proposed basement area will have a depth of 8 metres and will be located under the original house a light well will extend out to the side of the property adjacent to No. 12 the proposed lightwell would be covered with a grill. The proposed basement is permitted development and therefore does not require the benefit of planning permission. Therefore the only matter for consideration is the impact of the proposed lightwell. Due to the increase in levels from the street to the front of the house the proposed light well will not be visible from the street. This is considered to be acceptable and would not be detrimental to the character and appearance of the host property and general locality. The proposal will not result in any changes to the garden level and as such the proposal is not considered to be detrimental to the amenities of the neighbouring properties.

The proposed new hard standing will provide 1no. off street parking space. The proposal will be similar in appearance to the neighbouring property No. 16 Ridge Hill and as such the proposed hardstanding is considered to be in keeping with the character and appearance of the street scene and would not be detrimental to the amenities of the neighbouring properties.

The proposals would comply with the aforementioned policies and Council design guidance 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

Concerns raised in relation to the basement level causing damage to the foundations of the property - This is not a material planning consideration.

The proposed first floor extension will lead to a loss of privacy of a neighbouring garden - The first floor rear extension will marginally extend beyond the rear wall of the closest neighbouring property and this is not considered to be detrimental to the neighbouring residential amenities.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN: 14 Ridge Hill, London, NW11 8PS

REFERENCE: F/00528/14



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Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

8. Before the building hereby permitted is occupied the proposed windows in the side elevation facing No. 150 Colin Gardens 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 in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Order shall be carried out within the area of S/O 148 Colin Gardens hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012).

14. 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the house hereby approved, other than those shown on the approved plans.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

15. 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) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

INFORMATIVE(S):

1.
 - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
2. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change

addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

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

Further details and the application form can be downloaded from:

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

or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

3. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
4. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a **£3,780.00** payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a **£14,580.00** payment under Barnet CIL.

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

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

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

interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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 can apply for relief or exemption under the following categories:

1.Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

2.Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) Visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning

Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

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

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

The Mayor's London Plan July 2011:

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

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

Relevant Local Plan (2012) Policies:

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

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

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

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013) are now material considerations.

Relevant Planning History:

Site history for current landparcel :

74077 - S/O 148 Colin Gardens, London, NW9 6ER

Case Reference: **H/00243/14**

Application: Planning
Validated: 26/03/2007
Status: DEC
Summary: APC
Description: New 3 No. bedroom two storey house attached to existing (end terrace), with off street car parking and landscaping.

Number: W/15702/A/07
Type: APF
Date: 03/08/2007
Case Officer:

Application: Planning
Validated: 08/12/2006
Status: WDN
Summary: WIT
Description: Construction of a two-storey plus room in the roofspace building adjoining to 148 Colin Gardens to accommodate 2 No. self contained dwellings. Provision of off-street car parking and landscaping.

Number: W/15702/06
Type: APF
Date: 15/02/2007
Case Officer:

Consultations and Views Expressed:

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

The objections raised may be summarised as follows:

- 1) Overshadowing and overlooking due to level changes
- 2) Detrimental impact on character of area
- 3) Impact on traffic and parking
- 4) Increase congestion on roads
- 5) Impact on landscape

Internal /Other Consultations:

- Environment Agency -

Any comments received will be reported at the meeting. It should be noted that only the very bottom of the garden falls within Flood Zone 2 and 3.

Date of Site Notice: 13 February 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is the land adjacent to No. 148 Colin Gardens, a two storey, end of terrace single family dwellinghouse which lies on the western side of Colin Gardens. This road consists of semi-detached and terraced properties of various styles. The application site does not lie in a conservation area.

Proposal:

The applicant seeks planning permission for the erection of a 3 bedroom 2 storey dwellinghouse which will be attached to No. 148 Colin Gardens with off street

parking and landscaping. An application for a similar scheme was approved in 2007 (planning reference: W15702A/07). The plans submitted with this application have been amended to omit a first floor rear projection. Since these amended plans have been received, the proposals are now similar to those previously approved.

Planning Considerations:

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

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

The Council's 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.

Impact on neighbouring residential amenities

The original proposed scheme was considered detrimental to neighbouring property, No. 150 Colin Gardens. This is because the proposed first floor rear projection would result in loss of light and outlook as it projects approximately 6.0 metres beyond the rear elevation of this neighbouring property. The plans were subsequently amended, removing the proposed first floor rear projection.

A condition has been attached stating that the windows on the flank elevations facing No. 150 Colin Gardens must be obscurely glazed. In addition, there will be a distance of between 1.0 and 3.0 metres between the proposed dwelling and the boundary of No. 150 Colin Gardens. It is therefore considered that following the amendments to the proposal, this application will not have a detrimental impact on neighbouring residential amenities.

Impact on character of the area

The principle of the new house on the site is considered acceptable as the new dwelling will follow the established building line to the northern side of Colin Gardens. The width, height and design of the proposed dwellinghouse is consistent with other properties on Colin Gardens. There will be a space of 2.6 metres between the flank wall of the proposed new house and neighbouring property, No. 150 Colin Gardens. The proposal is not considered to result in a cramped form of development.

Amenity and floorspace standards

Barnet's Sustainable Design and Construction SPD requires 70 sqm of amenity space for 6 habitable rooms. The rear garden has an area of approximately 278 square metres, which is considered to be sufficient. The area of the garden of No. 148 resulting from the proposed scheme will be 161 square metres which is also considered to be sufficient. Barnet's Sustainable Design and Construction SPD requires between 97 and 96 sqm of floorspace for a 2 storey, 3 bedroom dwellinghouse. The proposed dwelling has a floorspace of 108 sqm and therefore complies with these standards.

Parking

'DM18: Travel impact and parking standards' of Barnet's Local Plan requires 1.5 to 1 space per unit for a terraced house (2 to 3 bedrooms). The proposed development will provide 1 No. off-street parking space to the front of the application site. A condition is proposed that requires the parking layout of the scheme to be provided and maintained for parking spaces at all times. This application is therefore not considered to result in an increase in off-street parking or traffic congestion.

3. COMMENTS ON GROUNDS OF OBJECTIONS

1) The original proposed scheme was considered to result in loss of light and outlook due to the proposed first floor rear projection. However, the drawings were amended removing this from the plans. As the location of the application site is to the north of No.150 Colin Gardens, it is considered that any loss of sunlight or daylight would be limited. Conditions have been attached stating that the windows on the flank elevation facing No. 150 Colin Gardens must be obscurely glazed and restricting the installment of new windows on the flank elevation under permitted development.

2) The width, height and design of the proposed new dwellinghouse is consistent with the properties on the northern side of Colin Gardens.

3) It is considered that the car parking spaces provided is sufficient and complies with Barnet's Local Plan.

4) The intensification of use resulting from the new property is not considered sufficient to result in a significant increase in road congestion.

5) As part of this application new soft landscaping is proposed.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character

and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

SITE LOCATION PLAN: S/O 148 Colin Gardens, London, NW9 6ER

REFERENCE: H/00243/14



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LOCATION: 4 Manor Park Crescent, Edgware, Middx, HA8 7NN

REFERENCE: H/00213/14 **Received:** 15 January 2014

Accepted: 15 January 2014

WARD: Edgware

Expiry: 12 March 2014

AGENDA ITEM 11

**Final
Revisions:**

APPLICANT: BMI International Holdings LTD

PROPOSAL: Use of part of 1st floor as 7no. student residential units with communal lounge and kitchen.

APPROVE SUBJECT TO S106 AGREEMENT

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Special Site-Specific Obligation** **£0.00**
To ensure that the residential accommodation is occupied as 7 single rooms and occupied only by students enrolled at and attending the Further/ Higher Education College operating at the site.
- 4 **Monitoring of the Agreement** **£500.00**
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 Development Management & Building Control approve the planning application reference: H/00213/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: A-MPC13-LO; A-MPC12-BL; A-MPC13-EL; A-MPC13-FR-01; A-MPC10-PP02-EX.

Reason:

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

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

Reason:

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

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

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 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 30/05/2014, that unless otherwise agreed in writing, the Assistant Director of Planning and Building Control should REFUSE the application H/00213/14 under delegated powers for the following reason:

The development does not include a formal undertaking to restrict the use of the residential units to students enrolled with the existing college. In the absence of such an undertaking it is considered that unrestricted residential use would prejudice the use of the wider site for education purposes and fail to adequately protect the amenities of residential occupiers contrary to Policies DM01 and DM13 of the Development Management Plan Policies.

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

Policy 3.5

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

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

Relevant Local Plan (2012) Policies:

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

Relevant Core Strategy Policies:

CS NPPF, CS1

Relevant Development Management Policies:

DM01,DM02 DM04, DM08, DM09, DM13 and DM17
Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Residential Design Guidance

Relevant Planning History:

Site history for current landparcel :

132849 - 4 Manor Park Crescent, Edgware, Middx, HA8 7NN
Case Reference: **H/00213/14**

Application: Planning **Number:** H/01771/11
Validated: 15/06/2011 **Type:** APF
Status: WDN **Date:** 07/09/2011
Summary: WIT **Case Officer:** Matthew Corcoran
Description: Change of use from D1 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.

Application: Planning **Number:** H/04040/11
Validated: 09/11/2011 **Type:** APF
Status: APD **Date:** 17/07/2013
Summary: DIS **Case Officer:** Graham Robinson
Description: Change of use from D1 & D2 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.

Application: Planning **Number:** H/04347/13
Validated: 20/09/2013 **Type:** APO
Status: WDN **Date:** 06/11/2013
Summary: WIT **Case Officer:** Graham Robinson
Description: Demolition of existing building and erection of 2no. 3 and 4 storey building blocks to facilitate 14 residential units, including associated parking and cycle store. (OUTLINE APPLICATION - Access, Layout and Scale)

Application: Planning **Number:** H/05641/13
Validated: 18/12/2013 **Type:** APO
Status: **Date:**
Summary: **Case Officer:** Graham Robinson
Description: Part demolition of existing building and construction of 14 residential flats in two buildings, including remodelling of retained portion of the existing building to create The Larches Community charity centre. (OUTLINE APPLICATION)

Consultations and Views Expressed:

Neighbours Consulted: 127 Replies: 8
 Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Building has been illegally used as hostel for 3 years.
- Residents are not students.
- Men who may be on the building services course now offered on ground floor may now be living in units, however, if the application is granted it is unlikely that residents will remain as students.
- Must come a time when developers cannot keep submitting new applications in order to continue to operate.
- Overlooking and noise.
- 7 rooms does not mean 7 people.

- No recreation area so games are often played in courtyard between the two buildings.
- Rubbish including empty bottles are thrown into neighbouring gardens.
- No mention of what is to be done with first floor on Grove Road side of the courtyard.
- Anti-social behaviour from residents.
- Increased traffic.
- Pollution levels.
- Insufficient spaces allocated on site to provide for occupants of student rooms.
- Council has turned a blind eye to previous illegal use.
- Overdevelopment.
- Loss of community use.

Internal /Other Consultations:

Date of Site Notice: 06 February 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

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

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

Proposal:

The application relates to the use of part of 1st floor as 7no. student residential units with communal lounge and kitchen.

Planning Considerations:

- * Principle of use;
- * Intensification and impact on amenity of adjoining properties;
- * Impact on living standards of current occupiers

Principle of use:

Policy DM09 advocates that proposals for new HMO's will be encouraged provided that :

- they meet an identified need;
- can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area;
- are easily accessible by public transport, cycling and walking; and
- meet the relevant housing standards for a HMO.

Core strategy policy CS4 aims to maximise housing choice by providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes. Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. HMO's are recognised as an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation. The proposal is therefore considered to meet an identified need.

Policy DM08 (ensuring a variety of sizes of new homes to meet housing need) states that development should provide an appropriate mix of dwelling types and sizes in order to provide choice within the borough and that for market housing homes with 4+ bedrooms are the highest priority. However, this policy is not applicable in this instance as the building does not provide family accommodation.

The first floor of the unit has been in use without the benefit of planning permission as residential accommodation and the current application seeks to reduce the number of rooms to provide 7 bedrooms with en-suite facilities and provide a communal lounge and separate communal kitchen.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. This site has been assessed to have a PTAL of 6a, with 6 being the highest level of accessibility. HMO's are recognised as a source of low cost accommodation where residents are likely to be reliant on public transport. Therefore the proposal is considered acceptable from a Highways point of view.

The Council has the following minimum room standards for HMO's when the rooms are provided with a separate shared kitchen:

1 person household	10.2sqm
2 person household	14sqm

The proposal is in compliance with the requirements of Policy DM09.

Intensification and impact on amenity of adjoining properties:

The application property is the part of the college building that fronts on to Manor Park Crescent which is largely characterised by family homes and flat conversions resulting in two-three units. The unit lies adjacent to the commercial properties along Edgware Road/High Street. It is considered that the intensification of the use of the site through the provision of accommodation for 7 students, given its location, would not result in increased comings and goings to an unacceptable degree to warrant a reason for refusal of the application. In reaching this conclusion, officers are mindful of the comments of the planning inspector in a previous appeal.

A previous application for the redevelopment of the site to provide a college with C2 student accommodation was refused and dismissed at appeal in 2013. The scheme involved the provision of 30 student rooms. In the inspectors report it was noted '*the sustainable location (of the site) would make it suitable for student accommodation, particularly when it is connected to the education use of the site in which it is situated.*' Also, '*I recognise that the introduction of the student rooms would mean 24-hour occupation of the site, but this scale of development in this location and the general activity from it would not give rise to significant adverse impacts in the*

locality. Measures to encourage the use of public transport given the level of car parking provision on site and the site's public transport accessibility and a mechanism to exempt residents from using controlled parking zones as well as sound insulation measures and hours of operation would also have helped to mitigate any adverse effects had the appeal been allowed. In respect of the general activity generated by the proposal in the locality there would be no conflict with the objectives of CS Policy CS13 or DPD Policy DM04 which I consider to be the most relevant policies.'

A Unilateral Undertaking (UU) would be required to tie the residential accommodation into the college use.

In assessing the previously submitted UU in relation to the appealed decision the inspector commented that *the UU allows occupation by students enrolled on any UK accredited and based higher or further education full-time courses. Occupation should be restricted to those students attending this educational establishment given the nature and scale of the development and its location close to residential properties as this would give more control over the premises.*

It is considered that a unilateral undertaking to restrict the use of the residential accommodation to the students enrolled at the existing college CSBS college would be necessary to ensure that the proposal would not result in harm to surrounding residential occupiers and to ensure that any residential use does not conflict with the existing or future use of the wider site for D1 purposes.

Each of the rooms in the first floor will provide sufficient light and outlook to the future residential occupiers. It is noted that the rooms within the rear part of the building will look onto the courtyard between the two buildings it is considered that there would be sufficient outlook taking into account the distance between the windows and the existing second building to the rear of the site. Given that the proposal will be for student lets it is considered that the units will be for short term let only. The UU will also specify these will be single bedroom units to control the number of occupiers of the units.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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

Should be a limit on how often a developer can submit an application - the number of submissions made by a developer can not be controlled.

Anti-social behaviour and dumping of rubbish- it is not considered that the intensity of the use would directly give rise to increased anti-social behaviour.

Loss of community use. - the proposal relates to the first floor residential units. It is considered that the use of the first floor as residential accommodation associated with the education use is acceptable in planning terms.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

**SITE LOCATION PLAN:
7NN**

4 Manor Park Crescent, Edgware, Middx, HA8

REFERENCE:

H/00213/14



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LOCATION: 5-7 Middleton Road, London, NW11 7NR

REFERENCE: F/00734/14

Received: 11 February 2014

Accepted: 10 February 2014

WARD(S): Garden Suburb

Expiry: 07 April 2014

AGENDA ITEM 12

**Final
Revisions:**

APPLICANT: Mr Levy

PROPOSAL: Variation to condition No.1 (approved plans) and 10 (approved layout) to planning application Ref; F/04396/11 dated 11/1/2012. Amendments to include internal re-configuration of layout and new central entrance.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. MR11-PL-01 Rev C (date received 10-Feb-2014); Drawing no. MR11-EX-01.

Reason:

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

2. This development must be begun within three years from the date of the permission for the development under Ref: F/04396/11, granted on 11th January 2012.

Reason:

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

3. Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the drawings hereby approved and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

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

Reason:

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

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

Reason:

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

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

Reason:

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

7. Before the building hereby permitted is occupied the proposed windows in the side elevations, facing 3 and 9 Middleton Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

8. The extensions hereby approved shall be completed in full accordance with the approved plans within 8 months of the date of commencement.

Reason:

To ensure that harm is not caused by the partial implementation of the planning permission.

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

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

To protect the amenities of future and neighbouring residential occupiers.

INFORMATIVE(S):

1. i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
2. In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012):

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

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

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

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, CS4, CS5, CS9, CS15.

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

Other Material Considerations:

Residential Design Guidance (April 2013)
Sustainable Design and Construction (April 2013)
Planning Obligations SPD (April 2013)

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 Sustainable Design SPD provides detailed guidance and sets out how sustainable development will be delivered in Barnet. Section 2 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Chapter 15 of the Council's Guide 'Residential Design' seeks to revise and upgrade Design Guidance Note 7 which deals with Residential Conversions. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design conversions which would receive favourable consideration by the Local Planning Authority and sets out how the council considers applications for the conversion of single family homes into two or more self-contained units.

Included advice specifies that when conversions seek new exterior alterations, such as replacement windows, doors or porches, these should reflect the prevailing local character and enhance, not disrupt, the streetscape. Conversions in appropriate locations should not have any detrimental effect; they should not raise privacy issues, parking problems or have adverse effects on residential amenity. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

The Planning Obligations SPD sets the requirements for different scales of development and obtaining Planning Obligations for open spaces, transport, community facilities and environmental requirements. It has been adopted alongside the Barnet's CIL Charging Schedule in May 2013, which replaces the previous obligations towards Education, Libraries and Health, and is a flat rate charge for all development as specified in the CIL Charging Schedule.

Relevant Planning History:

Application:	Planning	Number:	F/01668/11
Validated:	26/04/2011	Type:	APF
Status:	APD	Date:	13/10/2011
Summary:	Dismissed	Case Officer:	David Campbell
Description:	Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.		

Application:	Planning	Number:	F/04396/11
Validated:	26/10/2011	Type:	APF
Status:	DEC	Date:	13/01/2012
Summary:	Approved subject to conditions	Case Officer:	David Campbell
Description:	Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.		

Consultations and Views Expressed:

Neighbours Consulted: 64 Replies: 10
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Since permission granted no work has been carried out, if the approval would grant further time should be refused on these grounds
- Alterations make it clear that road is no longer characterised by single family dwellings.
- Increase in parking problems since approval granted
- Entirely inappropriate development in residential road of predominantly family houses.
- Looks like a block of flats, whereas the original retained the appearance of semi-detached properties.
- The local community have asked to create its own Neighbourhood Forum, question whether the application can be accepted by the Council until the referendum is held.
- Overdevelopment of the site
- Paving over all the front yard unlike any other property and will wreck the aesthetic appeal of the area.
- No consideration has been given to the drop kerb rules that are broken by this application and the fact that the street light will have to go.
- The Council should bill the developer for remedial work due to inaction on the site.

Date of Site Notice: 27 February 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site consists of a pair of semi-detached houses on Middleton Road within the Hampstead Garden Suburb ward. The site does not fall within the conservation area of the same name.

Proposal:

The site was originally granted planning permission in January 2012 by the West Area Planning Sub Committee under planning reference F/04396/11 for the following development:

“Conversion of both properties to create 8no self-contained residential units following 3 storey rear infill extension; and roof extensions including increase in ridge height, 2no side dormers to both sides (totalling 4no side dormers), 2no rear dormers and 2no front dormers, to facilitate loft conversions. Alterations to fenestration at both sides and rear elevations. Provision of 6no off-street parking spaces and associated amenity space.”

It must be noted that at the time of approval, the Local Plan had not been adopted however it had been published and was therefore a material consideration. Since the

approval, the UDP and relevant policies have been superseded by the Local Development Framework.

The applicant seeks to vary conditions 1 (Approved plans) and 10 (Approved layout). The amendments include the reconfiguration of the internal layout and new centrally located entrance to replace the independent and existing entrances. No other changes are proposed.

The schedule of the proposed units will remain as approved, with 6no x 2bedroom flats (4 occupiers) and 2no x 1 bed flats (2 occupiers). However the relocation of a centrally located entrance will provide slightly larger flats.

Planning Considerations:

The main issues in this case are considered to be covered by the following main areas:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The Council's 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 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 make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

It is considered that the removal of the existing entrances and insertion of a central core would be acceptable with regards to the impact on the streetscene. Firstly, the roof detailing and fenestration details where the approved entrances are located are being retained. The insertion of the proposed new entrance which will match the existing style of fenestration is not considered to be a significant alteration and it must be noted that the site is outside of the conservation area.

It is not considered that there will be an increase in parking pressures as the same amount of parking spaces will be provided as approved (the schedule of accommodation also remains as approved).

The internal rearrangement will provide more suitable stacking of internal rooms, with all bedrooms located to the rear of the site. In addition, there will no habitable rooms with windows at the side elevation only, therefore the previous condition which was attached to the original approval requiring the obscured glazing of flank windows will also be attached to this application. The amendments also involve the retention of the original flank windows serving bathrooms which under the original approval were to be blocked up- this alteration does not require permission and as

they are existing, it is not considered to result in additional impact to the amenities of neighbouring occupiers.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections relating to planning considerations are considered to have been addressed in the report above.

It must be noted that the original conditions will be attached to the recommendation, and therefore the applicant will have the same amount of time to implement the permission, if it is approved by the planning committee.

The proposed formation of a Neighbourhood Forum is not deemed a reason to prevent the approval of this application. Neighbourhood Plans and Forums are not intended to prevent development and it must be noted that they must be in conjunction with the Local Development Framework. Notwithstanding this, the referendum has not been held and therefore does not have any weight on current applications.

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 amended proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 5-7 Middleton Road, London, NW11 7NR

REFERENCE: F/00734/14



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LOCATION: 4 Spaniards End, London, NW3 7JG

REFERENCE: F/05159/13

Received: 05 November 2013

Accepted: 05 November 2013

WARD(S): Garden Suburb

Expiry: 31 December 2013

AGENDA ITEM 13

Final Revisions:

APPLICANT: Mr & Mrs Wright

PROPOSAL: Creation of new basement level including 2no. front light wells.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

Site Location Plan; 09-13-858/PL-102 Existing and Proposed First Floor Plan; 09-13-858/PL-103 Existing and Proposed Roof Plan; 09-13-858/PL-104/C Proposed Basement Floor Plan; 09-13-858/PL-105/C Proposed Ground Floor Plan; 09-13-858/PL-106 Existing Front Elevation; 09-13-858/PL-107B Proposed Front Elevation; 09-13-858/PL-108 Existing Side Elevations; 09-13-858/PL-109/B Proposed Side Elevation onto no. 6 Spaniards End; 09-13-858/PL-110 Existing and Proposed rear Elevation- no change proposed; 09-13-858/PL-111 Existing Section AA; 09-13-858/PL-112/B Proposed Section AA; 09-13-858/PL-113 Existing Section BB; 09-13-858/PL-114A Proposed Section BB; Design and Access Statement; John Cromar's Arboricultural Company Limited- Report on tree amenity value and condition

Reason:

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

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

Reason:

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

3. Before the development hereby permitted commences, details of the following 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;

- basement lighwell grills

Reason:

To safeguard the character and visual amenities of the site and wider area

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

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

Reason:

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

5. Prior to works commencing, the existing building and ground water levels shall be inspected and a report detailing how the stability of the building during construction will be protected shall be provided by a competent person and submitted in writing to the Local Planning Authority. The construction works shall be implemented in accordance with the recommendations of the approved report.

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

INFORMATIVE(S):

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

GEA- Desk Study and Ground Investigation Report; Price & Myers- Structural Engineer;s Construction Method Statement; London Basement- Construction Site Traffic Management Plan; London Baement- Construction SGowing & Pursey- Site Waste Management Policy

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

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

The Mayor's London Plan July 2011:

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

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

Relevant Local Plan (2012) Policies:

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

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

Relevant Development Management DPD (2012): Policies DM01, DM02, DM06

Supplementary Planning Documents and Guidance

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

- The Residential Design Guidance SPD (2013) and
- Sustainable Design and Construction SPD (2013).

Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guidance 2010

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

Site history for current landparcel :
48835 - 4 Spaniards End, London, NW3 7JG
Case Reference: F/05159/13

Application: Planning
Validated: 14/12/2006
Status: DEC
Summary: APC
Description: Erection of a two-storey detached dwelling house (with basement area). Provision of two off-street parking spaces and associated landscaping. (Amendment to approved planning application C03639V/06 dated 17-11-2005.)

Number: C/03639/Y/06
Type: APF
Date: 15/03/2007
Case Officer: Karina Conway

Application: Planning
Validated: 23/03/2007
Status: DEC
Summary: AP
Description: Submission of details of conditions 2, 8 & 11 (Materials, Landscaping, Temporary fencing - trees & Method statement - trees) pursuant to planning permission C03639Y/06 dated 09-03-2007.

Number: C/03639/Z/07
Type: CON
Date: 25/06/2007
Case Officer: Karina Conway

Application: Planning
Validated: 05/11/2013
Status: PDE
Summary: APC
Description: Creation of new basement level including 2no. front light wells.

Number: F/05159/13
Type: HSE
Date:
Case Officer: Alissa Fawcett

Application: Planning
Validated: 05/11/2013
Status: DEC
Summary: LW
Description: Construction of basement

Number: F/01240/14
Type: S192
Date: 20/03/2014
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 14 Replies: 10
Neighbours Wishing To Speak 4

The views of objectors can be summarised as follows;

- out of scale with existing cottages
- concerns about access into private road and actual site for construction
- structural impact on attached properties
- inappropriate development
- out of keeping / character
- overdevelopment of site
- unfortunate precedent
- structural stability of existing buildings
- noise and disturbance
- impact on historical properties

Internal / other consultations:

HGS CAAC- Objection to size of lightwells.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the eastern side of Spaniards End within Area 17 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a locally listed, two-storey, mid-terrace residential dwelling house. Spaniards End does not have an Article 4

The Conservation Area Character Appraisal notes;

"This cul-de-sac runs off the main road by the Spaniards Inn and drops steeply down the slope to the north-west. At the top end are a group of historic buildings, with newer houses, including some distinguished modern designs, further down the hill.

Apart from the Spaniards Inn, all the buildings are residential, though some have been converted from other uses – such as Casa Maria and the outbuildings to the west of the Public House car park. The Pub itself may have started as a private residence; possibly the house of the Spanish Ambassador to the Court of King James. While this original use is not factually proven, it would explain the name given to the building and the area.

The layout, with low density housing set well back from the road gives a pleasant, verdant environment. The road itself is private, and is a cul-de-sac. There is therefore very little traffic movement or disturbance.

The trees are of particular importance. All are protected by being within a conservation area, ensuring that notice is given to the local planning authority before any works are carried out. In addition, there are a number of Tree Preservation Orders on individual trees including limes, oaks, hornbeam, pine and beech. The more formal garden landscaping around the houses adds to the overall greenery that makes an important contribution to the character of this part of the Conservation Area.

To the left hand side of Heath End House is a later brick building known as Heath End Cottage (Photograph 2), dating from the 19th century. It has a painted brick front and stock brick side wall. It is of two storeys and has a garden wall and railings to the west which, with the Cottage, are listed. The Cottage is part of a row of outbuildings running northwards including 2 and 4 Spaniards End, again 19th century brick with slated roof and sash windows. This symmetrical pair should be on the Local List. "

Proposals:

This application seeks consent for the addition of basement accommodation and two front lightwells.

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an “Area of Special Character of Metropolitan Importance”. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a ‘who’s who’ of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Council’s policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

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 make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The principle of basement of accommodation at this site is considered to be acceptable, and it should be noted that the application site has gained consent through a certificate of lawfulness for the construction of the basement under the footprint of the dwelling, without the lightwells under reference F/01240/14 dated 20th March 2014. This is permitted under Class A of the Town and country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. The proposals involve retaining the existing front conservatory and constructing basement underneath. The proposed basement extension would not extend under the conservatory which does not appear to be part of the original house. As such the proposal is considered to be a lawful alteration to the dwelling house. This provides a fall back position for the applicant, allowing them to carry out a basement development without the need for full planning permission.

The basement is proposed under this current application is to be located under the existing dwelling in line with the adopted design guidance. The only difference between the certificate of lawfulness (reference F/01240/14) and this current application is the forward projection proposed under the existing conservatory, which proposes an additional 2m to and 3m to the other side. Furthermore, it must be considered that this could be implemented without any of the conditions suggested. This 'fall-back' position is a material consideration in assessing the current proposals.

It is important that the external manifestations of any basement development does not detrimentally impact on the character and appearance of the existing dwelling, the street scene or the amenity of neighbouring occupiers. There are two lightwells are proposed under this application to the front garden of the application site, which is contrary to the design guidance which requires any external manifestation, usually in form of lightwells, to be located to the rear or side of an application property. However, it is considered that on balance, due to the absence of any rear amenity space at the application site, the rear providing the garden to the adjacent Spaniards Inn public house, and the fact there is a solid brick wall of approximately 2m height forming the front boundary of the site, thus blocking views into the front garden, the location of these lightwells are acceptable as they are not seen from the street.

In addition, the size of the lightwells has been reduced in line with the stipulations of the adopted Design Guidance (2010), which states;

"basements should generally be limited to the footprint of the house. In larger houses with extensive gardens it may be possible to extend under part of the rear garden. It will be necessary to ensure that a mature garden can be established and maintained above the basement; external alterations to bring daylight to basements will generally only be acceptable in the form of grilles or structural glass, rather than open lightwells with railings; lightwells or skylights must be located away from the property boundary to enable a planted boundary to be maintained; structural glass skylights or grilles should not be located at the threshold of doorways from the house to garden"

These proposed basement accommodation is considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

3. COMMENTS ON GROUNDS OF OBJECTIONS

As detailed above the principle of basement accommodation is considered to be acceptable. The scheme has been amended to show a flush lightwell, rather than one with upright railings. This is considered to reduce the visual impact of the proposed development. The basement is proposed to be located underneath the existing dwelling, which is considered to be in line with the adopted design guidance document from 2010.

To address the concerns raised in regards to the structural stability of the neighbouring properties as a result of the basement development the agent has provided additional information in the form of structural engineer's desktop study, construction method statement, construction site management traffic management plan and arboricultural reports. The conclusions of the reports state that the proposed development is unlikely to result in any specific land or slope stability issues, groundwater or surface water issues. These documents have also been reviewed by the Building Control department and conditions suggested.

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

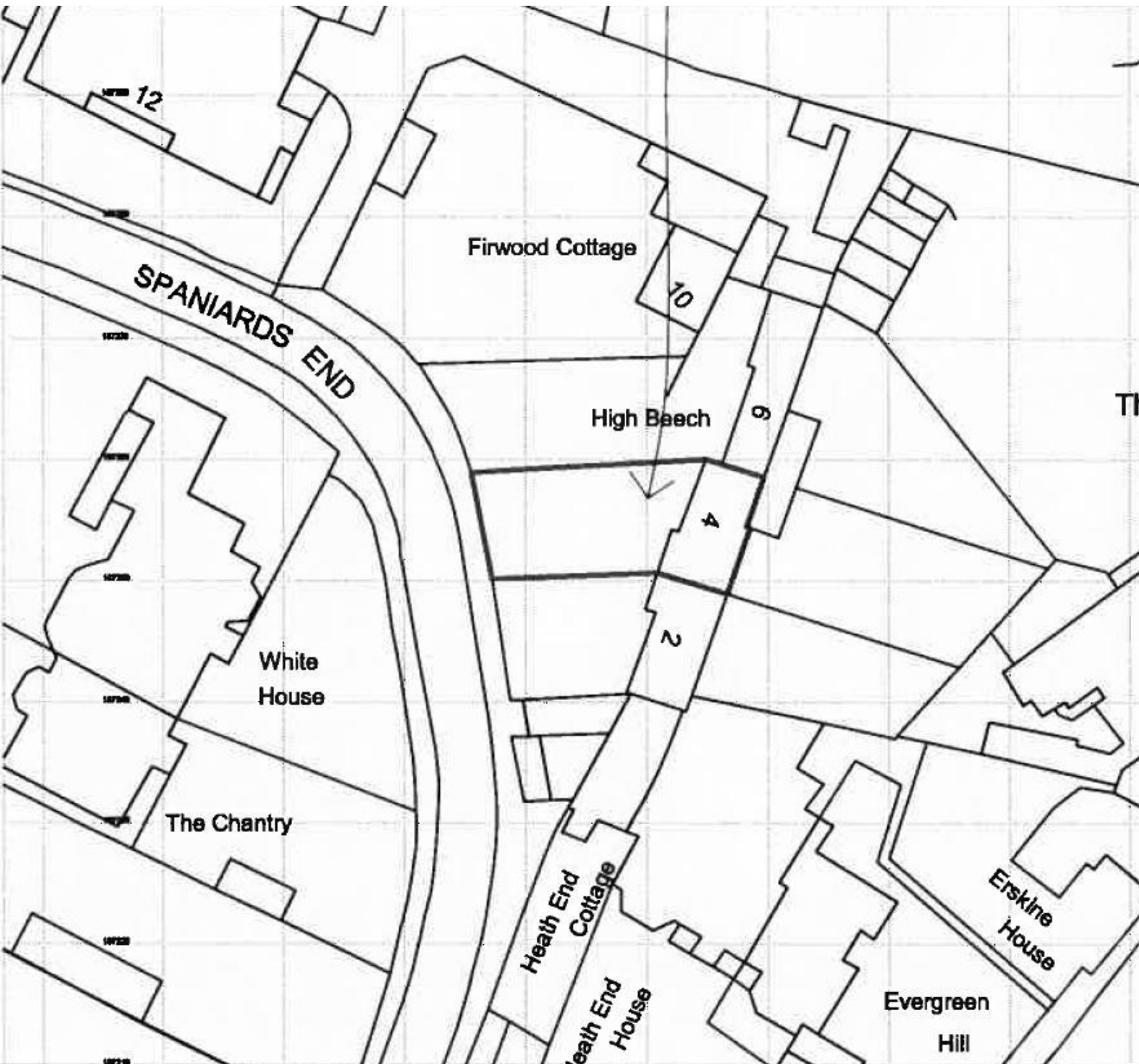
Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the locally listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character. **APPROVAL** is recommended.

SITE LOCATION PLAN:

4 Spaniards End, London, NW3 7JG

REFERENCE:

F/05159/13



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LOCATION: 14 Spaniards Close, London, NW11 6TH

REFERENCE: F/00004/14

Received: 24 December 2013

Accepted: 14 January 2014

WARD(S): Garden Suburb

Expiry: 11 March 2014

AGENDA ITEM 14

**Final
Revisions:**

APPLICANT: Mr & Mrs D Coleman

PROPOSAL: Extension of existing basement for uses ancillary to the existing house, with car lift within the existing garage to access new basement car park. Single storey side/ rear extension following demolition of existing side garage. Removal and replacement of existing tennis court.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

Site Location Plan; 1307-EX-101; 1307-EX-102; 1307-EX-103; 1307-EX-110 Rev A;
1307-PL-201 Rev D; 1307-PL-202 Rev G; 1307-PL-203 Rev G; 1307-PL-220 Rev F; 1307-PL-210 Rev B; Design and Access Statement Rev A; Sustainability Statement; Martin Dobson Associates Tree Survey & Arboricultural Method Statement; Michael Alexander Basement Impact Assessment (Amended 24/01/2014)

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

5. The hereby approved windows shall match the original windows in material and style.

Reason:

To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

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

Reason:

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

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

Reason:

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

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

adhered to.

Reason:

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

9. Before the development hereby permitted commences, details of the following 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;
- lightwells to basement
 - double glazed windows at scale 1:10 with annotated section.

Reason:

To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a **£19,093.75** payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a **£73,647.32** payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development.

Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

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

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

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

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

The Mayor's London Plan July 2011:

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

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

Relevant Local Plan (2012) Policies:

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

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

Relevant Development Management DPD (2012): Policies DM01, DM02, DM06.

Supplementary Planning Documents and Guidance

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

- The Residential Design Guidance SPD (2013) and
- Sustainable Design and Construction SPD (2013).

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

Site history for current landparcel :
12595 - 14 Spaniards Close, London, NW11 6TH
Case Reference: F/00004/14

Application:	Planning	Number:	F/00004/14
Validated:	14/01/2014	Type:	HSE
Status:	PDE	Date:	
Summary:	APC	Case Officer:	Alissa Fawcett
Description:	Extension of existing basement for uses ancillary to the existing house, with car lift within the existing garage to access new basement car park. Single storey side/ rear extension following demolition of existing side garage. Removal and replacement of existing tennis court.		

Application:	Planning	Number:	F/00170/13/ENQ
Validated:	29/07/2013	Type:	ENQ

Status: REG **Date:**
Summary: DEL **Case Officer:** Alissa Fawcett
Description: Excavation of the basement area to facilitate extension to existing basement, beneath the existing hardstanding Macadam Tennis Court and the demolition and replacement of the existing eastern garage. New plant room below car park.

Application: Planning **Number:** F/01347/09
Validated: 16/04/2009 **Type:** APF
Status: DEC **Date:** 09/06/2009
Summary: APC **Case Officer:** David Campbell
Description: Alterations to property including rear extensions, enlargement of both wings to provide additional accommodation at loft level. Addition of roof over garage. Alterations to fenestration.

Application: Planning **Number:** F/03707/08
Validated: 06/10/2008 **Type:** APF
Status: WDN **Date:** 01/12/2008
Summary: WIT **Case Officer:** Neil Goldberg
Description: Alterations to property including single storey rear extension, enlargement of both wings to provide additional accommodation at loft level. Addition of roof over garage. Alterations to fenestration.

Application: Planning **Number:** F/04715/13
Validated: 11/10/2013 **Type:** HSE
Status: WDN **Date:** 06/12/2013
Summary: WIT **Case Officer:** Alissa Fawcett
Description: Extension of existing basement for uses ancillary to the existing house, with ramped access to new basement car park. Single storey side extension following demolition of existing side garage. Removal and replacement of existing tennis court.

Application: Planning **Number:** F/04850/08
Validated: 18/12/2008 **Type:** APF
Status: WDN **Date:** 12/02/2009
Summary: WIT **Case Officer:** Neil Goldberg
Description: Alterations to property including single storey rear extension, enlargement of both wings to provide additional accommodation at loft level and addition to roof over garage.

Consultations and Views Expressed:

Neighbours Consulted: 9 Replies: 5
Neighbours Wishing To Speak 0

The views of objectors can be summarised as follows:

- overdevelopment of site
- scale, appearance and impact of proposals
- sets unfortunate precedent
- detrimental to ground stability
- creating subsidence and the need for underpinning
- ground slippage and movement resulting from piled foundations
- impact on water table- underground stream and watercourses
- noise and disturbance, dirt and dust
- impact on trees
- underground car park inappropriate
- impact on listed buildings
- no engineers report
- proposals out of keeping / uncharacteristic

Internal / other consultations:

Date of Site Notice: 30th January 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located at the end of Spaniards Close, within Area 14 of the Hampstead Garden Suburb Conservation Area.

The existing building is a locally listed, detached residential dwelling, with rooms in the roofspace and existing basement accommodation.

The adopted Conservation Area Character Appraisal, 2010 notes;

"Spaniards Close is a quiet turning, rising up the hill to the south terminating in a small turning circle. The majority of the houses have carriage drives or paved forecourts. Random york stone paving is the most successful in relation to the area character. Front gardens have mature planting giving a green ambience. In some cases the trees in front gardens obscure the architecture. On the west side of the close there are views through to greenery behind and tall trees are visible above the rooflines. Hedges are mainly holly, behind a low stone wall as the original leases specified.

The development follows the slope of the hill up to a dominant house with symmetrical garage extensions to each side. A large Monkey-Puzzle tree obscures the intended focal view of this central house (No. 14), and the two flanking garages are given undue prominence. Two distinctive houses sit either side of No. 14 on the turning circle. "

Proposal:

This application seeks consent for the following works;

- extension of existing basement
- new internal car lift within garage
- single storey side / rear extension following demolition of existing side garage
- removal and replacement of existing tennis court

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an "Area of Special Character of Metropolitan Importance". The Secretary of State for the Environment endorsed the importance of the Suburb

by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

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 make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The proposal to extend the basement is considered to be acceptable. It is recognised that the adopted Hampstead Garden Suburb Conservation Area Design Guidance notes;

"basements should generally be limited to the footprint of the house. In larger houses with extensive gardens it maybe possible to extend under part of the rear garden. It wil lbe necessary to ensure that a nature garden can be established and maintained above the basement"

However, in the case of this application, it is considered that the host property and its garden area is large enough to accomodate additional extended basement

accommodation. In addition, the existing rear garden has already been paved over to provide a full-sized tennis court. It is proposed to re-lay the tennis court once the proposed basement works are completed. A tree report has been submitted to demonstrate that the proposed development will not pose any harm to existing trees of high amenity value.

It should be noted that the Hampstead Garden Suburb Trust have approved the application following their consultant engineers review of the site investigation reports from GEA and the engineering reports from Michael Alexander Associates and is satisfied that the basement can be constructed as proposed without unduly impacting groundwater flow or surfacewater runoff.

There is no objection to the provision of the internal car lift within the garage, other properties throughout the Suburb have had approval for similar schemes, some of which were granted externally. It is noted that there are many private basement car parks provided to individual dwellings.

An earlier, withdrawn application proposed a steep ramped access down into the garage which would have involved significant removal of soil at the front of the site resulting in a considerable change in levels. This was considered to be visually detrimental to the setting of the host locally listed building and its neighbours. The revised scheme with internal car lift is considered to be a more appropriate addition to the site and as this element of the proposals will not be seen externally there is no objection to it.

The proposed single storey side / rear extensions are considered to be acceptable. The proposals along the side adjacent to 9 Spaniards Close show a similar foot print to the existing, with an additional 3.7 m projection to the rear. The additional single storey rear bay extension proposed provides a modest addition at the rear when taken in context with the main dwelling, measuring approximately 4m by 2.4m with a height of 4m with a flat roof. A condition is suggested restricting access on to the roof of the extension for maintenance only has been applied.

It should be noted that an application for "*Alterations to property including rear extensions, enlargement of both wings to provide additional accommodation at loft level. Addition of roof over garage. Alterations to fenestration.*" was given consent under reference F/01347/09 dated 05/06/2009. This allowed greater increases to the wings than is proposed under this application.

There is no objection to the removal of the existing tennis court and its replacement once the basement works are completed. The resultant external appearance will be similar to the existing.

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the locally listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It should be noted that the resultant appearance of the proposed development will not be significantly different to the existing situation found on site. Modest extensions to

the side and rear area proposed, but these are significantly smaller than those approved in 2009 under reference F/01347/09 dated 05/06/2009. At the rear it is proposed to re-lay the tennis court once the basement development is completed and therefore the appearance of the rear "garden" will be similar to the existing.

In planning terms it is considered that the basement development is acceptable and we have requested additional information in regards to its construction to ensure it can be successfully built without presenting harm to the amenities of neighbouring occupiers. The submitted reports have been reviewed by Building Control, who will be responsible for ensuring the proposed development poses no harm to ground stability and the water table. It is noted above that all the basement information has been reviewed by the Hampstead Garden Suburb Trust' consultant engineer who raises no objection and is satisfied that the development can be constructed without unduly impacting groundwater flow or surfacewater runoff.

The concerns raised by the Conservation Area Advisory Committee in regards to providing accommodation within the basement is noted. However, as this accommodation is not proposed to be self-contained and is therefore ancillary to the main dwelling, as detailed on the application form, it is considered to be acceptable.

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 not detrimentally impact on the qualities of the locally listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.

APPROVAL is recommended.

SITE LOCATION PLAN:

14 Spaniards Close, London, NW11 6TH

REFERENCE:

F/00004/14



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LOCATION: 57 The Burroughs, London, NW4 4AX

REFERENCE: H/05850/13

Received: 11 December 2013

Accepted: 08 January 2014

WARD(S): Hendon

Expiry: 05 March 2014

AGENDA ITEM 15

**Final
Revisions:**

APPLICANT: Mr J Ebgui

PROPOSAL: Change of use from A1 to an A3 Class restaurant. Re-instatement of window to side elevation. Re-location of door and block up window to rear elevation. Installation of ventilation and extraction equipment to rear elevation. Associated external alterations.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: JE TB 007 RevA; JE TB 005; JE TB 004 RevA; JE TB 1000 RevX; JE TB 1002 RevX; JE TB 2000 RevX; JE TB 1001 RevX; arya metal works cover letter; arya silencer details; JM aerofoil fan 40JM-45JM super xpress range; JM aerofoil fan 50JM super xpress range.

Reason:

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

2. This work must be begun not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

Reason:

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

4. The ventilation and extraction equipment shall be provided and installed in accordance with the specification details provided by arya metal works and shall be retained as such thereafter.

Reason:

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

5. The use hereby permitted shall not be open to customers before 9am or after 8pm on weekdays and Saturdays or before 10am or after 6pm on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

6. No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 7 pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 This grant of permission does not convey advertisement consent that will be required for the advertisements shown on the proposed plans.

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

development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011

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

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

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

Relevant Local Plan (2012) Policies

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

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

Relevant Development Management DPD (2012): Policies DM01, DM02, DM04, DM06

The Burroughs Conservation Area Character Appraisal Statement

Supplementary Planning Documents and Guidance

The Council has adopted two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD and Sustainable Design and Construction SPD are now material considerations.

The Burroughs Character Appraisal - November 2012

Relevant Planning History:

Site history for current landparcel :

22941 - 57 The Burroughs, London, NW4 4AX

Case Reference: **H/05850/13**

Application:	Planning	Number:	H/03562/13
Validated:	07/08/2013	Type:	FUN
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Prior Approvals Officer
Description:	Change of use from A1 to A3 for a period of 2 years starting from the 07th August 2013 up to 07th August 2015. (Class D).		

Application:	Planning	Number:	H/03877/12
Validated:	18/10/2012	Type:	APF
Status:	DEC	Date:	10/12/2012
Summary:	APC	Case Officer:	Emily Benedek
Description:	Retention of an ATM to the shopfront.		

Application: Planning
Validated: 18/10/2012
Status: DEC
Summary: APC
Description: Retention of the internally illuminated CASH sign above the ATM machine.

Number: H/03878/12
Type: ADV
Date: 10/12/2012
Case Officer: Emily Benedek

Application: Planning
Validated: 23/09/2013
Status: DEC
Summary: APC
Description: Alterations to fenestration to front and side of building.

Number: H/04140/13
Type: APF
Date: 18/11/2013
Case Officer: Graham Robinson

Application: Planning
Validated: 14/12/2012
Status: DEC
Summary: AP
Description: Submission of details of condition 4 (Trees-Protective Fencing), pursuant to planning permission (H/03877/11) dated (18 May 2012).

Number: H/04698/12
Type: CON
Date: 09/07/2013
Case Officer: Graham Robinson

Application: Planning
Validated: 20/11/2013
Status: DEC
Summary: APC
Description: Installation of 1no. projecting non-illuminated projecting sign and 2no. non illuminated fascia signs to front and side elevation.

Number: H/05383/13
Type: ADV
Date: 15/01/2014
Case Officer: Graham Robinson

Application: Planning
Validated: 03/12/2013
Status: DEC
Summary: LW
Description: Retention of erection of fence in rear courtyard.

Number: H/05637/13
Type: 191
Date: 06/01/2014
Case Officer: Elizabeth Thomas

Consultations and Views Expressed:

Neighbours Consulted: 46 Replies: 7
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- A number of works have already been carried out before the application was made.
- Seating outside the premises would cause accessibility issues.
- Loss of privacy.
- Effect on traffic and parking.
- Manoeuvre vans around lamp posts.
- Lantern lamps will obstruct right of way.
- Ventilation and extraction units will be noisy

Internal /Other Consultations:

Design and Heritage - no objections.
Environmental health - no objections.
Traffic and development - no objections.

Date of Site Notice: 23 January 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey end of terrace building on The Burroughs.

The site is located within The Burroughs conservation area.

Proposal:

Change of use from A1 to an A3 Class restaurant. Re-instatement of window to side elevation. Re-location of door and block up window to rear elevation. Installation of ventilation and extraction equipment to rear elevation. Associated external alterations.

Planning Considerations:

The main issues are considered to be:

- The loss of an A1 retail unit and the use of the building as an A3 (restaurant).
- Whether the proposals would have an acceptable impact on the character and appearance of the conservation area
- Whether the proposals would harm neighbouring amenity

Change of use from retail to restaurant use.

Prior notification has been granted for the change of use from A1 to A3 for a period of 2 years starting from the 07th August 2013 up to 07th August 2015. (Class D). The application now seeks a permanent change of use of the property to continue the restaurant use beyond 2015.

Policy DM12: Maintaining local centres and parades

The council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:

- i. there will be no significant reduction of shopping facilities as a result; and
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use.

A proposal that either creates an over concentration of Class A2, A3, A4 and A5 uses or has a significant adverse effect on the amenity of existing residents will be refused. Community uses will be expected to present an active frontage at ground floor and be able to demonstrate a similar weekday footfall to a Class A1 use. Proposals for residential

Although Policy DM12 seeks to maintain isolated shops considering under the prior approval process an A1 can convert into an A3 unit without requiring planning permission for a period of two years. Prior approval has been granted up to August 2015. It is not considered given the existing prior approval that the proposal would result in harm to the way the small parade of which this unit forms a part would be harmed.

Whether the proposals would have an acceptable impact on the character and appearance of the conservation area

The applicant has omitted the works to the front forecourt from the proposals including the provision of bollards to form a boundary around the courtyard. The previously shown lights on the side elevation and baskets at low level on the side in front of the stallriser have been removed from the application.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Burroughs Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

The proposal is considered to be appropriate development taking into consideration the guidance provided within the Conservation area Character Appraisal dated 16th November 2012.

The ventilation and extraction equipment has been relocated to ensure that it is concealed and does not impact on the character of the Conservation Area. Specification details have been provided for the equipment which will be used. The environmental health officer has reviewed the application and the associated machinery specifications and considers that the proposal is acceptable and would not result in noise and disturbance or odour nuisance as a result of the ventilation and extraction equipment used. A condition has been imposed to ensure the equipment installed is in accordance with the specification details provided.

Whether the proposals would harm neighbouring amenity

The proposed alterations, ventilation/extraction equipment and change of use of the property are not considered to be harmful to the residential amenities of surrounding occupiers.

The change of use of the property is not considered to result in increased comings and goings to an unacceptable degree in this mixed use area.

The alterations to the shop front would not result in any harm to the surrounding residential occupiers.

The proposal is in compliance with Policy DM01 which states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Any works done prior to the submission or approval of a planning application is done at the owner's own risk and discretion, however, planning applications can be made retrospectively.

The applicant has applied for the premises to be used as A3 use class under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. Permission is therefore not required for a period of of 2 years from 07/08/2013.

The outdoor seating area has been removed from the application as have the bollards proposed to surround the seating area.

The lamps on the side elevation of the property have been removed from the application. The Right of Way is not covered by planning legislation.

The environmental health team have reviewed the specification information for the ventilation and extraction equipment and have not raised any objections. Given the equipment to be used it is considered that there will be no noise or odour disturbance.

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 application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 57 The Burroughs, London, NW4 4AX

REFERENCE: H/05850/13



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LOCATION: Middlesex University, The Burroughs, London, NW4 4BT

REFERENCE: H/06124/13 **Received:** 23 December 2013

Accepted: 27 January 2014

WARD: Hendon

Expiry: 28 April 2014

AGENDA ITEM 16

**Final
Revisions:**

APPLICANT: Middlesex University

PROPOSAL: Erection of 1no. 5 storey building for educational purposes, ancillary uses and associated servicing, including hard and soft landscaping. Provision of 2no. disabled parking spaces and cycle storage facilities.

Approve Subject to S106 Agreement

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Requirement to submit Travel Plan** **£5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: H/06124/13 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 13001-01-11A, 13001-02-01C, 13001-02-02C, 13001-02-03C, 13001-02-04C, 13001-02-05C, 13001-02-06C, 13001-02-09A, 13001-01-07B, 13001-01-08A, 13001-02-13B, 13001-01-14B, 13001-02-12A, 13001-01-15A, 13001-01-16A, 13001-01-17, 13001-01-18, 13001-01-19, 13001-02-sk87, Design and Access Statement, Overview and Planning Statement, Energy Statement, Sustainability Statement, BREEAM New Constructions Technical Assessment (ecology), Utilities Connections Strategy, Letter from applicant's agent dated 26/03/14.

Reason:

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

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

Reason:

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

3. Before the development hereby permitted is occupied the parking spaces shown on Plan 13001-02-09 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

13. The non-residential development is required to meet the following generic environmental standard: (BREEAM Excellent) . Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

14. The demolition and/or construction of the development hereby approved, shall be carried out in accordance with a method statement and Construction Management Plan, which shall have been submitted to and approved in writing by, the local planning authority one month prior to commencement of works. Any demolition shall be carried out in complete accordance with the approved scheme.

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

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

15. Part 1

Before development commences other than for investigative work:

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

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

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

Part 2

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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

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

Reason:

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

19. Prior to first occupation of the building, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority, which shall include measures to mitigate light spill from the building. The building shall be occupied in accordance with the approved strategy thereafter.

Reason:

To minimise the visual impact of the building on the appearance of the area and the amenities of occupiers of neighbouring residential properties, in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

1. i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
2. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
3. In complying with the contaminated land condition parts 1 and 2:

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

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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

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

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

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

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

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

RECOMMENDATION III:

That if an agreement has not been completed by 28/04/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/06124/13 under delegated powers for the following reasons:

The development does not include a formal undertaking to meet the costs of the traffic assessment scheme. Without the Travel Plan it would be difficult for the Local Planning Authority to assess the university's measures to promote the use of sustainable modes of transport. In the absence of such an undertaking the proposal is contrary to policy DM17 of the Local Plan Development Management Policies (Adopted) 2012 and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011

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

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

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

Relevant Local Plan (2012) Policies

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

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

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM13, DM17

Relevant Supplementary Planning Documents:

Supplementary Planning Document (SPD): Sustainable Design and Construction

Relevant Planning History:

Application:	Planning	Number:	H/00023/11
Validated:	23/12/2010	Type:	APF
Status:	DEC	Date:	14/02/2011
Summary:	APC	Case Officer:	Graham Robinson
Description:	Demolition of the ground floor infill part of 'link' building which connects the Town Hall Extension to the Town Hall Annex to create a pedestrian link from The Burroughs to the new Middlesex University Art, Design and Media Building and Hendon Grove. Associated internal and external alterations.		
Application:	Planning	Number:	H/00290/10
Validated:	25/01/2010	Type:	S73
Status:	DEC	Date:	07/04/2010
Summary:	APC	Case Officer:	Graham Robinson
Description:	Variation of condition 10 (Times of use) of planning permission reference W00229/BF/01 dated 15-10-02 to be varied to 'The building hereby approved shall be open for use 24 hours per day and not at all on Bank or Public Holidays'.		
Application:	Planning	Number:	H/00627/13
Validated:	22/02/2013	Type:	APF
Status:	DEC	Date:	18/07/2013
Summary:	APC	Case Officer:	Graham Robinson
Description:	Construction of a 2-storey detached building to provide an additional 690 sqm of teaching space with associated access, paths, steps and landscape works.		

Application: Planning **Number:** H/00628/13
Validated: 22/02/2013 **Type:** APF
Status: DEC **Date:** 15/07/2013
Summary: APC **Case:** Graham Robinson
Officer:

Description: Construction of two-storey extension to the Williams Building to provide an additional 495sqm of teaching space.

Application: Planning **Number:** H/01912/08
Validated: 12/06/2008 **Type:** APF
Status: DEC **Date:** 07/08/2008
Summary: APC **Case:** Louise Doran
Officer:

Description: Demolition of existing ramp, balustrade and entrance door at south entrance of college building. Erection of new steps, ramp, automatic door and entrance canopy. Demolition of existing dwarf wall, fence and brick post. Erection of new fence and gate.

Application: Planning **Number:** H/03982/13
Validated: 28/11/2013 **Type:** CON
Status: DEC **Date:** 09/01/2014
Summary: AP **Case:** Graham Robinson
Officer:

Description: Submission of details of conditions 4 (Materials), 6 (Refuse), 7 (Ventilation & Extraction Equipment-Details Required), 8 (Middlesex University Travel plan), pursuant to planning permission (H/00628/13) dated (12 July 2013).

Application: Planning **Number:** H/03983/13
Validated: 28/11/2013 **Type:** CON
Status: DEC **Date:** 09/01/2014
Summary: AP **Case:** Graham Robinson
Officer:

Description: Submission of details of conditions 3 (Refuse), 6 (Materials), 7 (Ventilation & Extraction Equipment-Details Required), 8 (Levels), 9 (Middlesex University Travel Plan), pursuant to planning permission (H/00627/13) dated (16 July 2013).

Application: Planning **Number:** H/04634/11
Validated: 18/11/2011 **Type:** S96A
Status: DEC **Date:** 20/12/2011
Summary: APC **Case:** Graham Robinson
Officer:

Description: Non-material minor amendments to planning permission reference H/04475/08 dated 02/09/09 for, 'Redevelopment of the Town Hall car park site and adjacent land, to provide a 2 to 5 storey academic teaching building, together with the provision of 28 parking spaces, 42 secure cycle spaces and associated paths, terraces, landscaping and works.' Amendments include alterations of plant elements, plant areas and vent extracts at basement, ground floor, fourth floor and roof levels of building ABC and at first and second floors levels of block E, and minor elevational detail changes.

Application: Planning
Validated: 27/01/2014
Status: DEC
Summary: APC

Number: H/06131/13
Type: APF
Date: 10/03/2014
Case Officer: Emily Benedek

Description: Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.

Consultations and Views Expressed:

Neighbours Consulted: 31 Replies: 18
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

- Campus already densely populated with an existing building estate.
- Increase in traffic.
- Increase in pedestrian footfall leads to increased levels of litter on the public footway and open space.
- Additions of buildings to the existing campus will serve to further blight the view of a residential area.
- Significantly impact the traffic in the area in addition to causing parking issues.
- University leave lights on in their buildings throughout the night. This large and imposing 5 storey building will spill light down over the immediate residential area at night.
- Proposal will create more noise and light for local residents
- Scale of the building means it will be a dominant structure which overlooks neighbouring properties.
- Another building with lights will add considerably to the light pollution.
- Usage of building should be restricted in evenings to restrict light spilling.
- Inadequate consultation by the applicant and Barnet.
- Proposal will create a major block of high buildings on the skyline of a substantial hill in Hendon.
- Building will diminish the character of the area.
- Immediate area is predominantly residential.
- Height and density of the buildings exceeds the density and height of all the surrounding buildings by far.
- Character of the area changed from residential to commercial use.
- No other entity been permitted such excessive overdevelopment

- Buildings are unsightly.
- Overlooking.
- Most properties in the area are low rise.
- No benefit to the local community from this further expansion, only potential detriment.
- Middlesex University doesn't have any structures more than 2/3 stories in height on campus. The proposal will set a dangerous precedent for future buildings.
- Proposal will create additional student capacity and money for the university.
- Overdevelopment of the site
- The infrastructure of the area is not built for such intensive use and this is and should remain a residential area
- Visually obtrusive and detrimental to the maintenance of local views.
- Contrary to the aims and objectives of The Masterplan

Internal /Other Consultations:

- Environmental Health - No objection subject to conditions and informatives
- Traffic & Development - No objection subject to a Section 106 Agreement for an additional £5,000 contribution for monitoring the Travel Plan for the next 5 years

Date of Site Notice: 06 February 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is part of the Middlesex University campus which is accessed from The Burroughs.

The application relates to an area of land between the Vine Building and The Forum. To the east of the site is the Sheppard Library and to the west of the site is the Multi-Use Sports Pitch. The site has direct access to the university car park accessed from Greyhound Hill.

Proposal:

The application seeks permission for the erection of 1no. 5 storey building for educational purposes, ancillary uses and associated servicing including hard and soft landscaping.

The provision of 2no. disabled parking spaces will be provided as well as cycle storage facilities which is to be located adjacent to the building.

The irregular shaped building will measure a maximum of 48 metres in depth, 25.5

metres in width and 17.1 metres in height.

The building will take full advantage of the existing levels difference on site and will only be 2 storeys higher than the adjacent Forum building. The new building will have 2 'wings' on either side immediately adjacent to the neighbouring buildings which will be set at a lower level with green roofs on top. The building will create 3,662sqm of additional floorspace which will allow qualitative improvement of the existing facilities and meet the university's current programme needs.

The area outside the Forum Building and the Forum North building will be landscaped to create level access from both buildings with new outdoor seating areas and improved pedestrian access through the site.

Planning Considerations:

Policy Context

DM03: Accessibility and inclusive design

Development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

- i. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances
- ii. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment
- iii. are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways
- iv. are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

Policy DM13: Community and education uses

a: Loss of community / educational use

Loss of community / educational use will only be acceptable in exceptional circumstances where:

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

b: New community or educational use

New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

Policy DM17: Travel impact and parking standards

a: Road Safety

The council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

b: Road Hierarchy

The council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy. In taking into account the function of adjacent roads the council may refuse development proposals which would result in inappropriate road use, or adversely affect the operation of roads in

an area

c: Development, Location and Accessibility

The council will expect major development proposals with the potential for significant trip generation to be in locations which are, or will be made, highly accessible by a range of transport modes.

d: Transport Assessment

In considering planning applications for new development, the council will require developers to submit a full Transport Assessment (as defined by Department for Transport threshold) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. This assessment should include an analysis of accessibility by all modes of transport.

e: Travel Planning

For significant trip generating developments, (defined by Transport for London thresholds), the council will require the occupier to develop, implement and maintain a satisfactory Travel Plan (or plans) to minimise increases in road traffic and meet mode split targets. In order to ensure that they are delivering this the travel plan will need to contain measurable outputs so that they can be monitored.

f: Local Infrastructure Needs

i. Developments should be located and designed to make the use of public transport more attractive for all users by providing improved access to existing facilities, and if necessary the development of new routes and services, including improved and fully accessible interchange facilities.

ii. The council will expect development to provide safe and suitable access arrangements for all road users to new developments. Where improvements or changes to the road network are necessary by virtue of an approved development, the council will secure a Legal Agreement from the developer.

iii. The council will require appropriate measures to control vehicle movements, servicing and delivery arrangements. Where appropriate the council will require Construction Management and/or Delivery and Servicing Plans.

iv. Where appropriate, development will be required to improve cycle and pedestrian facilities in the local catchment area by providing facilities on site and/or funding improvements off site

g: Parking management

1. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms)

ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and

iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

2. Residential development may be acceptable:

i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

The main issues are:

- The impact on the character and appearance of the general locality
- The impact on highway and pedestrian safety
- The impact on neighbouring amenity
- Sustainability Issues

The character and appearance of the general locality

The new building will be of modern design which has been sensitively designed to ensure it is in keeping with the character and appearance of the university campus. Whilst the university buildings comprise a variety of styles the more recent additions to the campus including the Sheppard Library and the new Quadrant entrance have been of modern design. Therefore the principle of a modern design is considered acceptable. Although the area surrounding the university campus is predominantly residential the houses are some distance away (over 100m) and the site itself is designated for educational purposes and a new building within the heart of the university campus is considered appropriate in this location. The University is a big local employer and is considered to contribute to the local economy.

The new Forum North building is located in the middle of the site adjacent to the Multi Use Sports pitches between the Vine Building and The Forum Building. The building will take advantage of the existing levels differences on site (there are substantial levels differences between the Multi Use Sports pitch area and the existing tennis courts. This means that although the building would be a maximum of 5 storeys in height when viewed from the east elevation entrance to the building it would have the appearance of a 4 storey building. The proposal will only be two storeys higher than the buildings on either side and with two 'wings' immediately adjacent to both neighbouring buildings would not appear as an overly dominant structure within the university campus. Furthermore, given the natural sloping of the land the proposed building will be set lower than the 5 storey Sheppard library and will not appear as visually dominant within the site. It is acknowledged that given its size the new Forum North building will be visible outside the campus however, this does not mean that it will have a detrimental appearance on the landscape and general locality as it is set within the grounds of the built area.

The impact on highway and pedestrian safety

PTAL (Public Transport Accessibility Level) rating for this site is 3, calculated on a point where the site entrance is proposed. PTALs range from 1 to 6, where 6 represents a high level of accessibility and 1 a low level of accessibility.

There are several bus routes operating nearby, such as: Route 240; Route 183; Route 143; Route 326; The nearest underground station to this proposal is Hendon Central which is part of a Northern Line and is approximately 960.0 metres which is considered within walking distance to this site. Since PTAL calculations do not take into consideration the possibility of linking trips, meaning changing one mode of transport to another, public transport accessibility level for this location is considered to be very accessible.

The site is also within the Hendon Controlled Parking Zone (CPZ). On the Greyhound Hill the parking restrictions operate between 10AM to 5PM (Mon-Fri). Nearby there are parking bays for short stay operating from 9AM to 5:30PM (Mon-

Fri). Part of The Burroughs has parking restrictions from 10AM to 5PM (Mon-Fri) up to St Josephs Grove and then the parking restrictions are from 8AM to 6:30PM on both sides. St Josephs Grove has various restrictions, part of it is from 8AM to 6:30PM (Mon-Fri) and the other part is from 1:45PM to 2:45PM. There is a Pay and Display car park on the Burroughs Gardens with approximate capacity of 20 parking spaces, operating from 9:AM to 5:30 PM (Mon-Sat). There are pay and display parking available on the Egerton Gardens.

In addition to the new building, the proposal includes some modifications of the existing vehicular access to the car park serving The Forum, a route which is also used by the delivery and emergency services. The route for the delivery and emergency access will be provided through a new road which is not part of this application. Given the 2no. Additional parking bays adjacent to the building and that the proposal will not result in an increase in the number of students, it is considered that the proposals would have an acceptable impact on highway and pedestrian safety.

Travel Plan

The current Middlesex University's Travel Plan (TP) contains measures to promote the use of sustainable modes of transport. The TP was approved by Local Planning Authority (LPA), with agreed initiatives and targets. As mentioned above, the applicant has confirmed that the overall student numbers at Middlesex University remain the same as existing. It is therefore recommended that these Travel Plan initiatives to be continued to be monitored. The results of the reviews should be incorporated into the next years report, required for submission to the LPA. It is expected that travel plans and monitoring of the TP activities to last at least for the next 5 years or until it is considered that the impact has achieved the agreed initial targets, whichever is the earliest.

It has been recommended that an extension to the travel plan is secured via a Section 106 Agreement.

Impact on neighbouring amenity

The proposed building will be located 55m from the nearest neighbouring property Sunnyfield School, will be located over 100m away from the nearest neighbouring residential property in Hatchcroft and over 130m from the rear gardens of the residential properties in Heton Gardens. Given the substantial distances between the new building and the nearest neighbouring residential properties, it is not considered that the proposal will result in overlooking or loss of privacy to the occupiers of the nearest residential properties. Concerns were raised by residents regarding light spill at night from lights left on in unused classrooms. The University intends to adopt a light strategy for the building to ensure that lights are not left on at night unnecessarily and in order to comply with BREEAM 'Excellent' standards it is likely that motion sensors will be attached to the lights to ensure unused classrooms will remain unlit. It is considered that these measures will minimise the impacts of the proposal on the amenities of the neighbouring occupiers. A condition is proposed to ensure this is implemented.

The proposal will not result in an increase in the number of students on site or result in an increase in pedestrian footfall. Accordingly, it is not considered that the proposal will result increased littering to the surrounding area or additional noise and disturbance to the occupiers of the neighbouring residential properties.

Sustainability Issues

The new building seeks to achieve a high level of sustainability in accordance with Middlesex University's own policies. The proposal would comply with the Council's SPD on Sustainable Design and Construction and is seeking to achieve a BREEAM standard of 'excellent.' It is considered that the proposals would achieve an acceptable level of environmental performance for a development of this size.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

Neighbours within 100m of the site were consulted on this application as well as Site and Press notices. This is in accordance with the Council procedure for notification on Major Planning Applications.

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

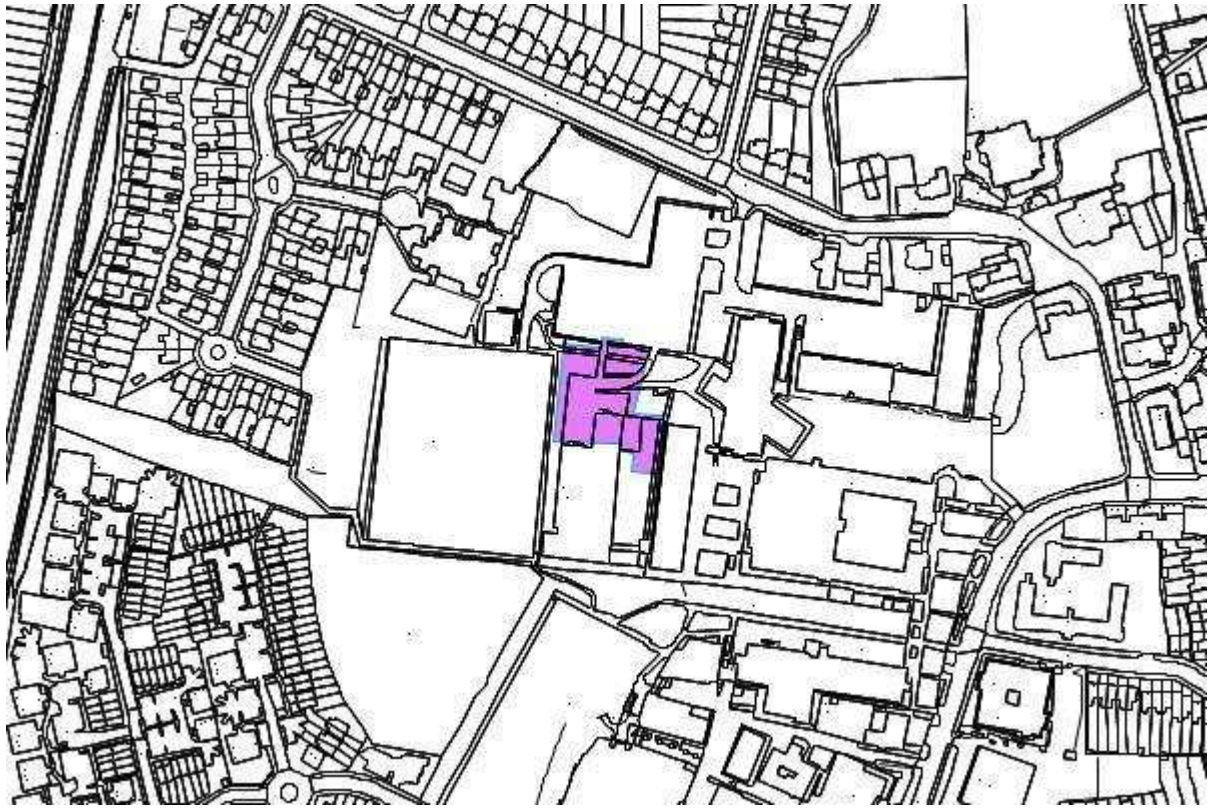
The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:
NW4 4BT**

Middlesex University, The Burroughs, London,

REFERENCE:

H/06124/13



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LOCATION: 33 Birkbeck Road, London, NW7 4BP

REFERENCE: H/00354/14

Received: 22 January 2014

Accepted: 22 January 2014

WARD(S): Mill Hill

Expiry: 19 March 2014

AGENDA ITEM 17

**Final
Revisions:**

APPLICANT: Mr Cash

PROPOSAL: Single storey side and rear extension.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev00; 001 Rev00; 002 Rev00; 003 Rev00; 004 Rev00; 010 Rev00; 011 Rev00; 012 Rev00; 011 Rev01; 100 Rev01; 101 Rev01; 102 Rev01; 103 Rev02; 110 Rev00; 112 Rev00.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing No. 31 & No. 35 Birkbeck Road.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

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

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

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.

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

Relevant Local Plan (2012) Policies:

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

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

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

Supplementary Planning Documents and Guidance

The Council adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (April 2013) and Sustainable Design and Construction SPD (April 2013) are now material considerations.

Relevant Planning History:

Site history for current landparcel :
21970 - 33 Birkbeck Road, London, NW7 4BP
Case Reference: H/00354/14

No relevant planning history.

Consultations and Views Expressed:

Neighbours Consulted: 9 Replies: 5
Neighbours Wishing To Speak 1

Objections received can be summarised as follows:

- visual appearance from the streetscene will be crowded and cramped and will appear to link a late Victorian property with a 1920s/1930s style building
- loss of open space/views and visual urbanisation
- the gap between the walls of the extension and neighbouring property will result in damp potentially causing damage to the properties; proximity of extension to neighbouring boundary
- feeling of isolation and separation will be lost
- applicant had not communicated with neighbours prior to submitting the application advising them of his/her intention to build and extension
- proposal will result in a loss of parking space
- scale of development is disproportionate to the house and streetview
- overbearing and loss of light
- concerns regarding foundations
- the extension will result in the doubling of the existing footprint area of the house
- there will be no space left for the maintenance of the neighbouring property side wall
- loss of residential amenity
- the size and siting of the extension would result in an 'un-neighbourly' form of development

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi-detached single family dwellinghouse located on the west side of Birkbeck Road; which lies within the Mill Hill ward of the Hendon area. The road is residential in character with a mixed typography of housing comprising of terraced, semi-detached and detached properties.

The site is not listed and does not fall within a designated conservation area.

Dimensions:

The single storey side extension would start 0.25 metres behind the line of the front elevation of the main building. It would project rearward 9.15 metres along the side of the dwellinghouse and continue to project 3.5 metres rearward to join up with the

single storey rear extension which would have a depth of 3.5 metres at the boundary with No. 31 Birkbeck Road. The single storey rear extension would have a depth of 3 metres at the boundary with No. 35 Birkbeck Road.

The extension would be covered by a flat roof with a maximum height of 3.1 metres and a parapet wall height of 3.5 metres.

There would be a 'dummy-pitch' roof placed at the front elevation of the side extension which would have a maximum height of 3.55 metres.

Planning Considerations:

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

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

The Council's 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.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

The Council's adopted SPD 'Residential Design Guidance' (2013) states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant; extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

Para 14.13 of the SPD states that where there is a consistent and coherent architectural character, the extension should not detract from it. Any extension should sit comfortably with the main building and with neighbouring houses.

The neighbouring property at No. 31 Birkbeck Road has a non-original window facing onto the garden of the host property. Although the proposed extension would result in some loss of light to and outlook from this window, it is acknowledged that this secondary window faces north and facilitates the kitchen/dining area which also benefits from full length non-obscure glazed doors on the rear elevation.

Although the single storey rear extension, at the boundary with No. 35 Birkbeck Rd would have some impact on the visual and residential amenities of these neighbouring occupiers in terms of overshadowing and overbearing impact, it should

be noted that an extension of 3m could be constructed using Permitted Development Rights.

Whilst the argument of visual clutter/cramped appearance and the loss of open space between No. 33 and No. 31 Birkbeck Road has been raised, it should be noted that again the applicants may construct a single storey side extension under their Permitted Development Rights. The extension is only single storey and it is considered that it would not appear cramped within the streetscene.

A condition is proposed that the roof of the extension cannot be used as a balcony, and that the applicant cannot install any windows to either side elevation; this will further protect the amenities of both neighbouring occupiers in regards to overlooking and loss of privacy. There is also no adverse impact in regards to the loss of the parking space at the side of the property as there is adequate off street parking at the premises.

Birkbeck Road has no uniform character as the road comprises of houses of mixed typography; many properties on Birkbeck Road have benefited from a variety of different size and style extensions. Given the diversity of extensions, it is considered that the scheme would not be out of character with the area and other properties. It is also considered that the scheme fully complies with design guidelines and would not have an unacceptable impact on the surrounding area.

The extension would be seen from the street, but by reason of its size, design and siting, it is not considered to detract from the streetscene.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

The planning matters raised have been addressed in the above report.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN: 33 Birkbeck Road, London, NW7 4BP

REFERENCE: H/00354/14



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