

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 3RD SEPTEMBER, 2014**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX**

**TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: **Councillor Eva Greenspan**  
Vice Chairman: **Councillor John Marshall**

**Councillors**

Jack Cohen	Arjun Mitra Alan Schneiderman	Melvin Cohen Jim Tierney
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**Substitute Members**

Ross Houston Graham Old	Reuben Thompstone Anne Hutton	Alan or-bach Gabriel Rozenberg Shimon Ryde
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**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Nathan – Head of Governance**

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Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Public Comments and Questions (If any)	
6.	Members' Items (If any)	
	<b>Reports of the Assistant Director of Planning and Development Management</b>	
	<b>Golders Green and Child Hill Ward</b>	
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	<b>Childs Hill Ward</b>	
8.	20 Park Avenue, London, NW11 7SJ - F/02989/14	27 - 34
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11.	27-29 Hermitage Lane, London, NW2 2EY - F/02492/14	65 - 80
12.	23-25 Woodstock Road, London, NW11 8ES - F/00683/14	81 - 104
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	<b>East Finchley Ward</b>	

14.	Ground Floor Flat, 69 Park Hall Road, London, N2 9PY - F/03911/14	117 - 124
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15.	67 Ballards Lane, London, N3 1XP - F/03055/14	125 - 132
16.	57A Nether Street, London, N12 7NP - F/02487/14	133 - 140
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17.	Chalgrove Primary School, Chalgrove Gardens, London, N3 3PL - F/03457/14	141 - 148
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18.	Gloucester House, 150 Woodside Lane, London, N12 8TP - B/00551/14	149 - 156
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19.	St Judes Church Rooms, Central Square, London, NW11 7AH - F/03595/14	157 - 164
20.	Any item(s) the Chairman decides are urgent	

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**LOCATION:** Golders Green Eruv, London, NW11

**AGENDA ITEM 7**

**REFERENCE:** F/00171/14

**Received:** 13 January 2014

**Accepted:** 13 February 2014

**WARD(S):** Golders Green/Child Hill

**Expiry:** 10 April 2014

**Final**

**Revisions:**

**APPLICANT:** Golders Green Synagogue

**PROPOSAL:** In connection with the creation of an Eruv in Golders Green, the construction of pole and wire gateways, 1m high posts known as 'leci' and fencing at the following locations:

Site 1: Cotswold Gardens, Rear gardens wall of 56 to 58 Cotswold Gardens. (2x 3m high poles and connecting wire)

Site 2: Clitterhouse Road, adjacent to the corner post of the hairpin railing to the access to flats 166-168 Clitterhouse Road. (2x 5.5m high poles and connecting wire)

Site 3: Brent Terrace, Rear of the public footpath on the line of the junction between 48/49 Brent Terrace. (2x 5.5m high poles and connecting wire)

Site 4: Brent Terrace, adjacent to the north west corner fence at the rear of 49 Brent Terrace (2x 2.5m high poles and connecting wire)

Site 5: Cricklewood Lane, located directly beneath the north end of the bridge with a matching pole directly beneath the south end of the bridge. (2x 1 m high leci)

Site 6: Cricklewood Lane, adjacent to flank fence of 68 Cricklewood Lane to flank fence to 70 Cricklewood Lane (2x 5.5m high poles and connecting wire)

Site 7: Path between Cricklewood Lane and Besant Road (2x 2.5m high poles and connecting wire)

Site 8: Farm Avenue, Hedge between 20/22 Farm Avenue to flank wall of 11 Farm Avenue (2x 5.5m high poles and connecting wire)

Site 9: Cricklewood Lane, adjacent to the end of the fence between 270/272 Cricklewood lane to the junction between 159/161 Cricklewood Lane. (2x 5.5m high poles and connecting wire)

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 869\_001, 869\_21A, 869\_01, 869\_02, 869\_03A, 869\_04, 869\_05, 869\_06A, 869\_07, 869\_08A, 869\_09, Design and Access Statement.

**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.

#### **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 erection of development on the highway will require a licence under the Highways Act. It will be subject to a number of conditions such as design, use of an approved contractor, indemnity insurance and a bond. If there are problems with any of these matters the licence would not be granted. The Highway Licence covers the proposal in terms of the positions of each pole and will check for any potential concerns, including impacts on clutter, sight lines, obstruction (this would be assessed in relation to all including the needs of disabled people), security, technical specification (including colour of poles and type of wire) etc. The terms of the Licence require weekly inspections for the lifetime of the Eruv and the applicant must submit reports on the outcome of the inspection, any defects identified and actions taken to resolve. The Highways Group also charge an annual fee via the licence to carry out ad hoc inspections to ensure maintenance is being carried out.
- 3 Licences under the Highways Act will only be issued for structures located on areas under the Local Authority's responsibility. For structures located in other areas, the applicant should identify the owner of the land and seek an agreement with the land owner.
- 4 Structures located on a footway or a footpath must allow for a minimum clearance of 1.5 metres for pedestrians. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.
- 5 In accordance with the general guidance given in the Traffic Signs Regulations and General directions 2002, the applicant should ensure that structures located at the front of the kerb, on a verge or a footway should be a minimum of 0.45m away from the kerbline on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.
- 6 Prior to the commencement of any works on Site XX, the developer must contact Network Rail to inform them of their intention to commence works.

- This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.
- 7 The applicant must obtain necessary licences and legal agreement from Transport for London under the Highways Act 1980 (HA80), New Road & Street Work Act 1991 (NRSWA 1991), Traffic Management Act 2004 (TMA 2004), as well as other consent(s) under relevant highway and traffic legislations prior to construction work commencing on site.
- 8 The applicant would be fully responsible for maintaining the proposed poles, wire and leci to be placed on the Transport for London Road Network public highway at all times.
- 9 The applicant would be liable for the cost of rectifying damage caused to the Transport for London Road Network public highway resulting from construction and maintenance of the proposed Eruv structures.
- 10 Transport for London requests that each of the Eruv sites on the Transport for London Road Network public highway would be covered by an indemnity and liability insurance for a minimum amount of £10,000,000. Evidence of such cover would need to be produced prior to construction work commencing on site, and would need to be ready for inspection upon demand by Transport for London at any time.
- 11 No construction and maintenance work to the Eruv structures shall be undertaken on the Transport for London Road Network public highway without prior consent from Transport for London. The work shall be carried out fully in accordance with relevant existing health and safety legislation and rules, as well as direction and guidance provided by Transport for London.
- 12 Despite the grant of planning permission from the Local Planning Authority, Transport for London reserves its right to revoke consents / licences, and request the removal of the proposed Eruv structures at any time, if the existence of such structures would be deemed no longer appropriate in the interest and benefit of public, highway operation and road users on the Transport for London Road Network (e.g. highway maintenance, statutory undertakers' requirement, safety and highway network development).
- 13 The applicant is advised that on sites located on traffic sensitive routes, deliveries during the construction period should not take place during restricted hours.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework (NPPF) dated 27/3/12

In March 2012 the Government published its National Planning Policy Framework (NPPF). This document replaced all PPGs and PPSs and condenses national guidance into a 50 page document as part of the reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The key theme of the guidance is that Local Planning Authorities should approach applications with a presumption in favour of sustainable development.

The 3 identified dimensions to sustainable development are: economic, social and environmental. These dimensions give rise to the need for the planning system to

perform a number of roles including a social role. This is defined as: 'supporting strong, vibrant and healthy communities ...with accessible local services that reflect the community's needs and support its health, social and cultural well being'.

One of the 12 identified core land use planning principles that should underpin both plan making and decision taking, states that planning should 'take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

The NPPF identifies that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions should aim to achieve places which promote (inter alia) 'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'. Planning policies and decisions should 'plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments'.

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

The replacement London Plan was published in July 2011 and is part of the development plan under the Planning and Compulsory Act 2004. The London Plan provides strategic planning policy for all London Boroughs for the period up to 2031.

Policy 3.1 Ensuring Equal Life Chances for All  
Policy 3.16 Protection and Enhancement of Social Infrastructure  
Policy 6.10 Walking  
Policy 7.1 Building London's Neighbourhoods and Communities  
Policy 7.2 An Inclusive Environment  
Policy 7.4 Local Character  
Policy 7.5 Public Realm

#### Relevant Core Strategy Policies:

CS1 Barnet's Place Shaping Strategy- Protection, Enhancement and Consolidated Growth- The Three Strands Approach  
CS5 Protecting and enhancing Barnet's Character to Create High Quality Places  
CS7 Enhancing and Protecting Barnet's Open Spaces  
CS10 Enabling Inclusive and integrated Community Facilities and Uses  
CS12 Making Barnet a Safer Place

#### Relevant Development Management Policies:

DM01 Protecting Barnet's Character and Amenity  
DM03 Accessibility and Inclusive Design  
DM15 Green Belt and Open Spaces  
DM17 Travel Impact and Parking Standards



Relevant Planning History:

B/03356/11: Woodside Park Eruv, 34 sites in the Woodside Park Area. Approved

H/01834/10: Mill Hill Eruv, 19 Sites in the Mill Hill Area. Approved 6.7.10

H/00921/09: 9 sites around the Edgware Area to Complete the Stanmore/ Canons Park Eruv. Approved 25.6.09

W13797: Edgware Area Eruv. Approved 24.11.04

Finchley, Golders Green and Hendon Eruv (Known as the North West London Eruv) Planning History

Eruv1

Erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv". Refused 24/02/1993.

Eruv2

Installation of street furniture (comprising groups of poles connected by thin high level wire) to complete the identification of the perimeter of a defined Eruv. Refused 27/10/1993.

An appeal against the refusal of planning permission Eruv1 and Eruv2 was heard at a Public Inquiry in December 1993. On 20 September 1994 the Secretary of State for the Environment allowed the appeal and granted planning permission subject to conditions.

Eruv 3 and 4

Erection of street furniture comprising groups of poles (usually 2) between which is suspended at high level a wire to designate the perimeter of a nominated Eruv. Approved 08/01/1997 and 7/7/1998.

Consultations and Views Expressed:

This application has been the subject of extensive consultation with the local community, over 1000 residents and organisations were notified of the application by letter, notices were displayed at each of the proposed sites, and an advert was published in the local paper.

This section of the report summarises the responses to the consultation.

Neighbours Consulted: 1075      Replies: 58  
Neighbours Wishing To Speak 1

14 objections were received the concerns raised may be summarised as follows:

- Additional poles will put young pedestrians in unnecessary danger.
- Poles would ruin the view and prevent residents from enjoying their environment.
- Proposals will add to street clutter and will be an intrusive feature.
- Whilst the proposals will make the life of the Orthodox Jewish community easier this should not be at the expense of any residence which will suffer as a result.
- The poles should be placed in main roads and not residential side streets.
- In this day and age an Eruv is unnecessary and irrelevant.
- The Eruv will lead to a vicious form of racism, especially amongst the young.
- There are no orthodox Jews in Brent Terrace so the Eruv is neither necessary nor proportionate.
- The Eruv will be vandalised - its existence will invite such behaviour.
- Birds will suffer injuries and can potentially be killed by flying into the wires.
- The gap between 48-49 Brent Terrace is used by contractors working on the railway and the presence of an invisible wire at 2m high will create health and safety issues.
- The vast majority of residents in this area are not orthodox Jews. The creation of an Eruv could result in a raft of application from an indefinite number of pressure groups.
- Whilst there should be no unfair discrimination against minorities, it is disproportionate and inappropriate to ignore the views and leanings of the majority of the population in the UK, where the Head of State is also the Head of the Established Christian Church.
- The installation of the Eruv is likely to have the opposite effect to that of fostering good community relations.
- Lack of notification.
- Problems with submitting comments.
- Oppose any extreme orthodox approach as it may put other religious groups in a discriminating position.
- The Eruv could increase antisemitism/cause accidents.
- There is a lot of crime in the area and residents don't want anything that might incite racial tension.
- Proposal will effect property values.
- The area for the new Eruv is Cricklewood and not Golders Green as described on the application.
- The applicant is not from Cricklewood and there is no evidence of a need for an Eruv in the Cricklewood area.
- The siting of poles and wires is highly visible and designed to maximise distress to non-believers.
- The residents of Brent Terrace have spent a lot of time and effort improving the area and in the insertion of poles will adversely effect this.
- Symbols of religious orthodoxy or fundamentalism should be within their respective place of worship.

5 people did not object but commented on the proposal. Their comments can be summarised as follows:

- Why is it necessary in this area?
- The Jewish people have a right to have the proposed Eruv as long as I am under

no obligation to follow the Jewish laws prohibiting carrying.

- The installation of poles and wires in Clitterhouse Road and Brent Terrace sites are completely unnecessary.
- The proposal does not appear to make a continuous boundary as required and there are several alternative locations that appear more logical and less intrusive.

39 letters were received in support of the application. The comments made can be summarised as follows:

- It will enable people who are disabled to attend synagogue and visit family on the Jewish Sabbath.
- Visual impact of the poles and wires is minimal.
- It will enable women with young children to attend synagogue and community events on the Jewish Sabbath which they currently cant do.
- A large number of Eruvs have already gained planning permission and have been successful in their communities with no adverse effects on the surrounding population.
- The proposal will add considerably to the quality of life for observant Jews living within the Eruv.
- The health impact of encouraging walking in the area will have a positive impact on both physical and mental health for those affected.
- The proposal will enable young families who cannot afford to live in Golders Green to live nearby.

Internal /Other Consultations:

- Natural England - No objection
- Environment Agency - No objection
- Network Rail - No objection
- Network Rail -Infrastructure Protection - No objection
- London Underground - Infrastructure Protection - No objection

Date of Site Notice:

**2. PLANNING APPRAISAL**

Amongst the restrictions accepted by Orthodox Jews are the prohibitions of carrying - which includes the pushing of wheelchairs and pushchair's - from public space to a private space and vice versa, and carrying in a private street, on the Jewish Sabbath.

This means that within the Orthodox Jewish community disabled members and parents of very young children who cannot walk are restricted to their homes on the Sabbath.

The purpose of an Eruv, which is a complete boundary around a town or district, is to integrate a number of private and public properties into one larger combined space. Consequently, Jewish individuals within the Eruv are then permitted to move objects across, what was before the construction of the Eruv, a public domain-private

boundary.

There are three established Eruv in the borough - the Edgware Eruv; the Hendon, Finchley and Golders Green Eruv (known as the North West London Eruv) and the Woodside Park Eruv. The Mill Hill Eruv which was granted consent in 2010 is in the process of being installed.

The extent of an Eruv is formed by utilising continuous local features such as fences or walls alongside roads, railways or terraced buildings. However where continuity is not possible due to breaks in the boundary, e.g. roads, then the breach must be bridged by the erection of, for example, a notional "gateway" formed by poles and wire.

The boundary itself does not require planning permission however the development proposed in this application would complete the boundary where there are any gaps.

The proposal involves development (poles & "wire", leci, and/or fencing) at 9 sites.

The design and sizing of the poles is based on a number of requirements.

Any wire or other feature crossing the public highway must be at least 5.5m above the surface of the road.

However a design case where the wire would be struck by an over-height vehicle or an extremely high wind together has been used to determine the materials and size of poles. The material selected is based on the break strength of the wire to be used (nylon or Kevlar) and its ability to be welded cleanly and without sharp edges. These calculations lead to a diameter of 76mm and a wire thickness of 5mm being the optimum size.

The design of the foundations for the poles have been completed in accordance with the Highways Agency guidelines. This allows for the excavation to be completed from above and quickly by hand. There is no connection underground for any poles.

Experience with other Eruvs has shown that it is possible to place the poles and their foundations extremely close to existing walls and not cause any disturbance to surrounding tree roots or utilities.

The poles are able to be carried by hand and installed without the need for cranes and other mechanical aids. This therefore will mean during installation any traffic and other disturbance will be limited as much as possible.

Where a pole and wire are only required to be placed over a footpath a slightly smaller 4m pole may be used. In this case a primary concern is to ensure that the wire is not subject to vandalism and is kept out of the way of pedestrians.

In selecting a wire material the key requirement was to try and minimise the diameter and visual effect. The diameter of less than 1/2 mm is equivalent to the visibility of a car from 8km distance. The materials have been selected to minimise any hydroscopic (water absorption) which in an outdoor environment would subject the

fibres to damage due to freeze thaw, water and UV light. Yet the materials would need to be weak enough to snap should the wire be struck by any passing over-height vehicle.

It is proposed that the poles to be used will be fabricated from S235 steel, zinc plated and painted either grey or green depending upon their location. All poles will be installed in a ready full finished state however if poles are scratched or if required while in use these may be repainted to ensure consistent high cosmetic standards.

Lecis will be attached or bonded to existing bridge structures and will be constructed from sheet metal (mild steel), zinc plated and painted or powder coated to a grey colour. Where there is depth to the items on installation these will be filled with expanding foam and capped to improve dimension stability and resist damage due to vandalism.

Free standing Lecis are of welded construction similar to poles and will be coloured black to match existing street furniture. In addition to a concrete foundation these will be back filled with concrete on installation to reduce the chances of vandalism and improve strength.

All other materials and works are in line with current street works practices and present no hazard to installation contractors, members of the public and any other contractor working in the street scene once these works are completed.

Protection of the public is a key issue and the design of all the proposed poles and leci has been either in line or exceed current requirements. However in the extremely unlikely event of any incident or injury the Eruv will be maintaining public liability insurance of at least £10m. To date there has been no example of any claim against any Eruv for public liability in the UK.

Should planning permission be granted a series of special licences under Highway legislation will also be required to permit these works to be commenced.

The cost of the Eruv, as well as its annual maintenance, will be borne entirely by the Jewish community. The proposal is an extension to the existing North West London Eruv and therefore the existing maintenance arrangements for this Eruv will be extended to include this new area.

Maintenance and upkeep of all these works and the insurance will be the responsibility of the North West London Eruv Committee. The erection and maintenance of the Eruv boundary will be funded by the committee and will not provide any burden on public finances. Weekly inspections will be carried out of the route to ascertain the integrity of the Eruv and to identify any breakage's that need fixing. As with the current Eruv the community will be informed via a dedicated website, text message and email subscriptions.

The proposal at each of the sites is described and appraised below.

**Site 1 : Cotswold Gardens**  
**Rear garden wall of 56 to 58 Cotswold Gardens (2 x 3m high poles**

**and connecting wire)**

Two 3m high poles are proposed. One would be sited on the pailing fence at the eastern corner of the rear garden wall of 56 Cotswold Gardens. A matching pole would be located adjacent to the pailing fence at the northern corner of the rear garden wall of 56 Cotswold Gardens. A wire would span between the two poles 'bridging' the gap created by the public entrance to Clitterhouse Playing Fields.

*Appraisal:* Both poles would be located either side of the public entrance to Clitterhouse Playing Fields. The poles have been located at the far edges of the entrance and would be viewed against the mature vegetation that exists along the rear boundary of the playing fields. The proposed poles are therefore not considered to be visually obtrusive or detrimentally impact upon the amenity of adjoining residents. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

No specific objections to this site have been received.

**Site 2: Clitterhouse Road  
Adjacent to the corner post of the hairpin railing to the access to flats 166-170 Clitterhouse Road (2 x 5.5m high poles and connecting wire)**

Two 5.5m high poles are proposed. One would be sited adjacent to the left hand gate post to the service access road to Clitterhouse Playing Fields. This pole would be coloured green. A matching pole would be located adjacent to the boundary railings that belong to a purpose built block of flats (166-170 Clitterhouse Road). This pole would be coloured grey. A wire would span between the two poles 'bridging' the gap created by Claremont Road.

*Appraisal:* The proposed pole adjacent to Clitterhouse Playing Fields would be viewed against the backdrop of trees within the park and the large lamp columns that are placed at regular intervals along Claremont Road. Furthermore, the pole will be coloured green to blend with the background of the adjoining open space and vegetation. The proposed pole on Clitterhouse Road will be viewed against the backdrop of a three storey block of flats within a streetscene where there are both grey lamp columns and wooden telegraph poles. The proposed poles need to be 5.5m high as they span a road which is a bus route. The proposed poles are therefore considered to be of the minimum height possible and to have been sited so as to minimise their visual impact whilst still complying with the requirements of an Eruv. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

No specific objections to this site have been received. The proposed poles and wire at this location form part of the larger Eruv boundary and are required to complete the whole boundary. Whilst it is acknowledged that the proposed equipment may not benefit residents in the immediate vicinity, the wider benefit that would accrue for the Eruv should be taken into account as addressed elsewhere in the report

**Site 3: Brent Terrace  
Rear of the public footpath on the line of the junction between**

#### **48/49 Brent Terrace (2 x 5.5m high poles and connecting wire)**

Two 5.5m high poles are proposed. One would be sited adjacent to the west elevation of the single storey brick built sub-station that is located at the southern end of the playground/open space. The proposed partnering pole would be located at the back edge of the footpath on the boundary between nos 48/49 Brent Terrace.

*Appraisal:* The proposed pole adjacent to the sub-station was originally shown to be red but this has been amended to green to blend with the adjoining hedgerow and open space. For the pole adjacent to the Brent Terrace properties have a low boundary wall (brick and railings in the case of No.49 and precast concrete for No. 48) to the front. A grey lamp column is located on the opposite corner of the front boundary to No. 49 adjacent to an unmade access road. Further down the street is a large telegraph pole with numerous wires spanning the road. The addition of a pole and further wire are therefore not considered to adversely impact upon the visual amenity of the street or adjoining residential properties. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

The following specific objections to this site were received:

- There are no orthodox Jews in Brent terrace so the Eruv is neither necessary nor proportionate.
- The gap between 48-49 Brent Terrace is used by contractors working on the railway and the presence of an invisible wire at 2m high will create health and safety issues.
- The residents of Brent Terrace have spent a lot of time and effort improving the area and in the insertion of poles will adversely effect this.

*Officers Comments:*

- The gap between 48-49 Brent Terrace is not affected by the proposal as the poles and wire span Brent Terrace and not the access road. Furthermore, 5.5m poles are proposed in order to comply with the requirements for crossing a highway to ensure that vehicles can pass safely under them.
- The proposed poles are considered to have been sited as sensitively as possible whilst still meeting the requirements for an Eruv in order to minimise their visual impact. They are not therefore considered to adversely effect the character and appearance of the area.

#### **Site 4: Brent Terrace Adjacent to the north west corner fence at the rear of 49 Brent Terrace (2 x 2.5m high poles and connecting wire)**

To the rear of Brent Terrace runs an access path that serves the rear of the properties in the terrace. A 2.5m high green pole is proposed to be mounted adjacent to the north west corner fence of 49 Brent Terrace, the partnering pole would be located adjacent to the pre-cast concrete gate pier that supports the 2m high steel palisade fence that encloses the railway sidings. The poles would be

connected by a wire.

*Appraisal:* 49 Brent Terrace has the benefit of a 1.8m high close boarded fence. The proposed pole would therefore project 0.7m above this and would be viewed against the background of the heavily vegetated railway sidings and palisade fence. The proposal is therefore not considered to adversely impact the outlook from adjoining residential properties. As the site is located to the rear of 49 Brent Terrace only glimpsed views of the poles would be possible from Brent Terrace. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

The same site specific objections as for site 3 were received for this site. Please refer to the section above for the comments and officers response.

**Site 5: Cricklewood Lane**

**Located directly beneath the north end of the bridge with a matching pole directly beneath the south end of the bridge (2 x1m high poles)**

The proposal here is for Leci as opposed to poles and wires. Leci are 1m high bollard's. The proposed leci will be adhered to the side of an existing bridge 2.3m from the face of the bridge on the northern (station) side of the bridge.

*Appraisal:* The proposed Leci will be small additions which will have no adverse impact on the appearance of the bridge and street scene. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

The proposals will not impede pedestrians using the footpath as over 1m width of footpath would be retained. The proposal is therefore not considered to impact adversely on the safe and free flow of pedestrians and is in accordance with Policy DM17 of the adopted Local Plan.

No specific objections to this site have been received.

**Site 6: Cricklewood Lane**

**Adjacent to the flank fence of 68 Cricklewood Lane to flank fence to 70 Cricklewood Lane (2 x 5.5m high poles and connecting wire)**

Two 5.5m high poles are proposed. One pole would be located adjacent to the side boundary with 68 Cricklewood Lane the partnering pole would be located adjacent to the side boundary with No.70 Cricklewood Lane. The poles would be connected by a wire to 'bridge' over Lichfield Road.

*Appraisal:* 68 and 70 Cricklewood Lane are large two storey Victorian Semi detached properties which front onto Cricklewood Lane. Both properties are located either side of the junction with Lichfield Road and as a result their flank elevations front onto this road. A small boundary wall runs along the back edge of the footpath. The proposed poles would be located adjacent to the flank elevations of these properties to minimise the visual impact on the streetscene. The proposals are therefore considered to comply with the requirements of Policy DM01 of the



adopted Local Plan.

No specific objections to this site have been received.

**Site 7: Path between Cricklewood Lane and Besant Road (2 x 2.5m high poles and connecting wire)**

Two 2.5m high poles are proposed. One pole would be located adjacent to the pier on the east side of the footpath adjacent to the north-east corner of 80 Cricklewood Lane. The partnering pole would be located adjacent to the flank elevation of Ivy Hall (a Middlesex University building). The poles would 'bridge' over a public footpath that leads to Besant Road.

*Appraisal:* 80 Cricklewood Lane is a large two storey semi detached property. The side boundary which abuts the public footpath to Besant Road is constructed of a 1.5m high palisade fence. The other side of the public footpath is formed by the side elevation of Ivy Hall, a three storey, educational building. A number of lamp columns are located along the centre of the footpath. The proposed poles would be coloured grey and would be 1m higher than the boundary fence and attached to the facade of an existing building. They would be viewed against the backdrop of lamp columns; footpath signs and mature trees as a result the visual impact of the proposed poles is considered to be minimal. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

No specific objections to this site have been received.

**Site 8: Farm Avenue  
Hedge between 20/22 Farm Avenue to flank wall of 11 Farm Avenue  
(2 x 5.5m high poles and connecting wire)**

Two 5.5m high poles are proposed. One pole would be located adjacent to the front boundary hedge of 20/22 Farm Avenue, the pole would be 5.5m high coloured green and located at the back edge of the footpath. The partnering pole would be located adjacent to the side boundary wall of No. 11 Farm Avenue. 11 Farm Avenue is located on the junction with Hocroft Avenue and as a result the pole would actually be located in Hocroft Avenue. This pole would be coloured grey. A wire would 'bridge' over Farm Avenue.

*Appraisal:* Farm Avenue and Hocroft Avenue are residential street characterised by large two storey semi detached properties. One pole would be located adjacent to the front boundary hedge to the front of 20/22 Farm Avenue. The pole would be located at the back edge of the footpath. As the poles are 'bridging' a road they are at the minimum height of 5.5m to enable vehicles to pass below them. Concerns have been raised by local residents about the appropriateness of the location and the impact on outlook. The applicant has reviewed this site and looked at other options to re-site, they have confirmed that this is the most appropriate location to meet the requirements for the creation of an Eruv. In order to address concerns about loss of outlook a tapered pole of the same height is now proposed to help address concerns regarding bulk. The proposed pole to the front of 20/22 would be seen against the

backdrop of an adjacent lamp column and is therefore not considered to be out of character in the streetscene. It has been coloured green and redesigned to minimise visual impact. It is therefore considered on balance that the proposal would not adversely impact upon the character and appearance of the streetscene and the residential amenity of adjoining properties to such a level as to warrant a refusal.

The proposed pole adjacent to 11 Farm Avenue would be viewed against the backdrop of the two storey side elevation of this property. A street tree is located to the front of the proposed location which will also provide additional screening. The proposal is therefore not considered to adversely impact upon the character and appearance of this part of Farm Avenue/Hocroft Avenue or the residential amenity of surrounding properties to such a level as to warrant a refusal.

It is therefore considered on balance that the proposals will comply with the requirements of Policy DM01 of the adopted Local Plan.

The following specific objections have been received in relation to this site:

- Additional poles will put young pedestrians in unnecessary danger.
- Poles would ruin the view and prevent residents from enjoying their environment.
- Proposals will add to street clutter and will be an intrusive feature.
- The poles should be placed in main roads and not residential side streets.
- Lack of notification.
- Problems with submitting comments.
- Proposal will effect property values.

*Officer Comments:*

- The proposed poles will be located at the back edge of the footpath, the proposals will not impede pedestrians using the footpath as over 1m width of footpath would be retained. The proposal is therefore not considered to impact adversely on the safe and free flow of pedestrians and is in accordance with Policy DM17 of the adopted Local Plan.
- The proposed poles would be located approx 9m from Nos. 20/22 Farm Avenue. Habitable room windows in these properties would face the pole. The fact that the pole would be visible does not imply harm to residents' visual amenity or living conditions and for the reasons outline above this is not considered to be a sustainable reason for refusal. There are no habitable room windows in the side elevation of No. 11 Farm Avenue.
- This part of Farm Avenue, already contains a collection of street furniture in the form of lamp posts and signage. The introduction of a further 2 poles and wire would not harm the street scene.
- When designing the Eruv the applicant has sought to minimise the need for poles wherever possible by using existing boundaries and main thoroughfares. However, in order to meet the needs of the community and the legal requirements of an Eruv it has to include certain areas. The applicant has looked at other options for the boundary. However, it was concluded that these either did not meet the requirements of an Eruv or they had a greater impact.

- Over 1,000 properties were consulted on the Eruv application. 25 individual properties in Farm Avenue were consulted on the proposals. In addition site notices were erected at each of the sites.
- 8 letters of objection were received from residents in Farm Avenue and has been summarised above.
- Impact on property values are not a material planning consideration.

**Site 9: Cricklewood Lane**

**Adjacent to the end of the fence between 270/272 Cricklewood Lane to the junction between 159/161 Cricklewood Lane (2 x 5.5m high poles and connecting wire)**

Two 5.5m poles are proposed. One pole would be located adjacent to the end of the 1m high close boarded side boundary fence for 270/272 Cricklewood Lane. This pole would be coloured grey. The partnering pole would be located adjacent to the brick pier that forms part of the front boundary wall to 159/161 Cricklewood Lane. This pole would also be coloured grey and both poles would be connected by a wire.

*Appraisal:* This part of Cricklewood Lane is in close proximity (approx. 10m) from the junction with the Hendon Way. As a result whilst the surrounding residential buildings are suburban in their form the area is more urban in character with pedestrian guard rails, traffic light, lamp columns and a pedestrian footbridge informing the character and appearance of the area. The addition of these two poles in this location is therefore not considered to adversely impact upon the character and appearance of the streetscene. The proposals are therefore considered to comply with the requirements of Policy DM01 of the adopted Local Plan.

**3. PLANNING CONSIDERATIONS**

The proposal falls to be considered against the relevant development plan policies, in each of the appraisal sections above the individual sites have been assessed against the relevant general planning policies in terms of their visual impact.

With regards to specific policy support for the principle of the proposal, this can be found at Policy CS10 of the Adopted Core Strategy which seeks to ensure that community facilities are provided, including places of worship, for Barnet’s communities. Development management Policy DM13 in respect of community uses seeks to ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties. Depending on the location of the proposed poles and “wire”, leci, and fencing different policies will apply. The policies in respect of Character, Design, Road Safety will apply almost universally, more specific policies such as those relating to conservation areas will depend on the precise location of the proposals.

**3. COMMENTS ON GROUNDS OF OBJECTIONS**

The majority of these have been considered in the section above. However, the following specific responses can be made:

- The Eruv is considered necessary by the Orthodox Jewish community who form part of the population of Barnet.
- The borough has the benefit of a number of established Eruvs and it has not been found to lead to racism or vandalism.
- The boundary of the Eruv has been drawn up by the Eruv committee to meet the needs of its membership.
- There have been no instances within the other established Eruvs of birds being killed by flying into the wires.
- The council has not experienced applications from other pressure groups as a result of other Eruv applications elsewhere in the borough. Any application from any group or individual will be considered on its merits and judged against adopted policy and national legislation.
- The council acknowledge we live in a multi-cultural society and as set out in Policy CS10 the Council seeks to meet the needs of all of its communities.
- The experience from other Eruvs within the borough is that they haven't lead to an increase in anti-Semitic incidents.
- The proposed Eruv is not considered to increase the risk of crime.
- The application is described as Golders Green as it is an extension to the existing North West London Eruv that covers Golders Green.
- The proposed Eruv does not contain any religious symbols.

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

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.

Section 149 provides:

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

- eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- a. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share

it involves having due regard, in particular, to the need to-

- a. remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b. take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
- c. encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

- a. tackle prejudice, and
- b. promote understanding.

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

(6)The relevant protected characteristics are-

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

#### *Equalities impacts evidence gathering*

There has been extensive consultation on the equalities impacts of this proposal. With an equalities questionnaire being sent to all consultees requesting their views on the potential equalities impact of the development on protected groups in the area who might be affected by the scheme.

#### Analysis of relevant impacts on protected groups

It is considered that the following protected groups will potentially be affected by the proposal:

- Jews
- Other faith groups Bahai, Buddhist, Christian, Hindu, Jain, Muslim, Sikh
- Secular Groups – Agnostic, Atheist, Humanist
- Disabled people
- Elderly Jews
- Young children and parents of young children who are Jewish

- Jewish women (on the assumption that these have greater childcare responsibility)

Before analysing the potential impact of the proposal on each of these groups it must be acknowledged at the outset that monitoring and assessing religious equality or equality between people with different beliefs can be difficult. Varying levels of commitment to particular religious or beliefs can make it difficult to interpret the information gathered. For example, in this case there may be significant differences between someone who loosely identifies themselves as culturally Jewish but does not practice the Jewish faith and an orthodox Jew who observes the Sabbath and refrains from “carrying” on that day except within an Eruv.

#### *Orthodox Jews*

In the absence of an Eruv, it is forbidden under Jewish law to carry (which includes pushing and pulling) in a public thoroughfare on the Sabbath and on the Day of Atonement. Clearly the impact of this prohibition will vary between persons depending how observant they are of the Jewish Laws.

The Jewish Community comprises 15% of Barnet’s population. This prohibition has the following potential adverse impacts on the very young, the very old and the disabled members of the Jewish Community who observe the Sabbath.

Parents cannot utilize a pram or pushchair to take their baby/young child with them to the synagogue or anywhere else such as to friends, elations etc. In effect this means that children aged two and under may be housebound and unable to attend synagogue. The same will be true for at least one of their parents, a situation that would persist until all the children in a family are able to walk to synagogue and back.

The elderly will often walk with the aid of a walking stick or some other form of aid, this cannot be done on the Sabbath without transgressing Jewish law.

Disability takes various forms and those who require an appliance such as wheelchair, walking stick, zimmer frame to get out and about cannot make use of such aids in a public thoroughfare without transgressing Jewish Law on the Sabbath.

The prohibition also applies to the carrying of medication such as pills, nebulisers etc. unless the absence of such medication were life threatening. Less obviously Jewish law also prevents the carrying of reading glasses whilst walking.

The introduction of the Eruv would directly benefit these members of the Jewish community who are adversely affected as described.

Other members of the Jewish community would also benefit indirectly from the lifting of this restriction on their friends and family members thus enabling all to socialize and worship together on the Sabbath.

The majority of the Jewish community who completed the questionnaire were in favour of the proposal. The most common point made being the benefit that the Eruv would bring to the Jewish community.

### *Other Faith Groups*

Other protected groups who may be impacted by the Eruv development by virtue of their religious beliefs include members of the Bahai, Buddhist, Christian, Hindu, Jain, Muslim, and Sikh Communities who comprise a combined total of 73% of the borough's population.

Based on the equalities questionnaires distributed in respect of this application of the total of 17 questionnaires that were returned completed (or partially completed) 4 (23.5%) were completed by persons within these groups. The only other faith group represented within this section were Christians of which all 4 objected to the proposal.

Of the 4 questionnaires returned by persons within these groups the main objections/concerns raised by members of these groups were:

- b. An objection to any symbols of religion outside their respective place of worship.
- c. Potential offence to other groups within what is an ethnically diverse area.
- An increase in anti-semitism and the potential to cause accidents.

Officers recognise the concerns about the perceived impact that the Eruv development will have on the religious beliefs of members of other faiths in the community. The effect of this on the individual will vary from person to person and there is clearly an inherent difficulty in assessing equality issues not only between people with different beliefs but also between persons sharing the same belief. The level of commitment to a particular religion or belief will vary from person to person.

However these identified impacts on members of other faith groups must be balanced against the following considerations:-

- The proposed Eruv equipment comprising poles, wire, leci, and fencing will not display any Jewish or any other religious symbolise that would allow them to be readily identified as being of religious significance.
- The proposed poles would be up to 5.5m high and connected in places by relatively thin wire. Officers consider that they would appear as part and parcel of the variety of street furniture with no discernible religious significance. In addition the poles and equipment will be located where possible at the back edge of the pavement so as not to stand out or draw undue attention in the general street scene.

The physical impacts of the proposed Eruv equipment have been considered on a site by site basis earlier in this report. Officers consider that the siting of the Eruv equipment would not result in visual obtrusions such as to warrant refusal of the proposal and the equipment could be readily assimilated into the general street scene.

There are already Eruvim in existence in Barnet, and the operation of these provides useful evidence as to how the proposed scheme is likely to operate and the likely potential impacts of the scheme on protected groups.

Officers recognise and have had due regard to the strongly held views of members

of other faith groups about the potential negative impacts of the Eruv of their beliefs and local environment. However, officers consider that these concerns are mitigated by the experience of the form and operation of other Eruvim in the borough where there is no evidence that these concerns have been borne out in practice. The potential adverse impact of the proposal on these protected groups also needs to be balance against the positive outcome that the proposal will have through enabling the very young, elderly and disabled members of the Orthodox Jewish community to be able to worship at the Synagogue on the Sabbath.

### *Secular Groups*

This group includes Atheists, Agnostics and Humanists. A total of 5 (29.4%) completed questionnaires were received from members of these communities, of which 2 objected to the proposal. Members of secular groups and non religious persons make up 13% of Barnet's population.

One of the two objectors stated that the extensive nature of the Eruv, and area it covers will imply that Cricklewood is not a multi-cultural, multi-ethnic, community but a Jewish one, and it will have a detrimental effect on the multi-cultural area.

It is evident from the consultation that these concerns together with the objections in respect of the potential imposition of religious symbols / designation on members of other faith groups and secular persons are strongly held views by those who responded.

It is considered that these perceived adverse impacts are mitigated by the following:

- The successful operation of existing Eruvim elsewhere in this borough and in neighbouring authorities where there is no evidence that an Eruv gives rise to tension between secular and religious groups.
- The Eruv equipment does not carry any Jewish symbolism and is usually seen as part and parcel of the normal street furniture in a suburban location.

The harm that members of secular groups perceive could arise from the proposal is significantly outweighed by the advantages that the proposal will bring to the very young, elderly and disabled members of the Jewish Community.

### *Disabled people*

A total of 3 questionnaires (17.6% of the total returned) were completed by persons who stated that they have a disability under the Disability Discrimination Act definition ("a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities"). 2 of the 3 questionnaires (66%) were completed by a member of the Jewish community, however none of the disabled members of the Jewish community who completed a questionnaire stating support for the Eruv referred to any specific benefit to them.

1 response was received from non Jewish disabled persons of which they were neither in support or against the objection but made comments on queries that they had with regards to the application.

### *Potential negative impacts on disabled people*



Although this was not a point raised in questionnaires responses, there may be a potential impact on partially sighted/blind persons whereby the equipment could create a trip or collision hazard which could have a serious effect on their safety and general wellbeing.

Officers consider that the sites for the equipment have been carefully chosen so as to prevent a trip or collision hazard arising. The Eruv poles themselves are 76mm in diameter so are relatively thin structures that can be sited at the back edge of the pavement so as to minimise intrusion onto the footway. The Eruv poles are considerably smaller than many items of street furniture that can be erected without the need of any planning permission. The location of the Eruv poles has also had regard to existing street furniture in the area and the relationship with other equipment so as not to be prejudicial to highway or pedestrian safety.

The council's Highways Group, who are directly responsible for highway and pedestrian safety on the Borough's roads have been consulted throughout the process and have no objections to the proposal. The impact of street furniture on safety of all road users, including disabled members of the community is a paramount consideration.

In addition to planning permission being necessary, the equipment also needs to be licensed by the appropriate highway authority. This is a separate procedure to the planning process and if, in consideration of these licences the authority have concerns in respect of safety then the licence will not be issued.

With regard to the existing Eruvim in the borough there have not been any incidents of the Eruv poles causing an obstruction to free passage or a hazard to disabled people.

Whilst officers accept that the uncontrolled provision of poles on the public highway could result in a hazard to members of the public in general and disabled persons in particular that is not the case with this proposal. Each site has been carefully assessed and it is considered that the siting of the poles would not adversely impact disabled members of the community.

#### *Positive impacts on disabled persons*

On the other hand, the proposal would significantly and positively benefit disabled members of the Jewish community in that it would enable them to attend the synagogue for worship on the Sabbath as well as generally being able to leave their houses to socialise with friends and family on those days. It would in effect give them the same opportunity to join in the spiritual and social life of their community, as well as the wider community on the Sabbath in accordance with the Equality Act.

Overall, officers consider that the potential limited adverse impacts of the proposal on disabled members of the community are outweighed by the positive benefits that would accrue to the disabled members of the Jewish community.

#### *Elderly People*

There is a degree of overlap between the potential benefits and negative impacts of the proposal on elderly people and those persons who are disabled.

### *Positive impacts for elderly Orthodox Jews*

Elderly persons may need to use walking aids such as a walking stick in order to feel more confident and safe when walking. They may also need the help of spectacles for reading and need to take medication at frequent and regular intervals. Without an Eruv elderly Orthodox Jews are prohibited from carrying these items on the Sabbath and as such may be housebound and unable to attend synagogue.

The implementation of the Eruv will allow elderly Orthodox Jews to participate in religious and communal activities more easily.

Of the 8 questionnaires completed by members of the Jewish community, 5 (62.5%) were completed by elderly persons (65 +) 3 of which supported the proposal. Only one of the elderly members of the Jewish community who responded to the questionnaire supporting the proposal did so citing the benefits / improvement to the quality of life that the Eruv would bring.

Whilst no specific objections were raised in respect of any potential negative impacts that the Eruv would have on the elderly, of whatever belief, it is nevertheless considered that similar negative impacts could arise as for disabled persons, for example potential impacts in relation to greater obstructions on the pavement etc.

Overall it is considered that the Eruv would bring significant benefits to elderly members of the Jewish community, as described in the previous section. Conversely the Eruv could have potential negative impacts as identified in the previous section but it is considered that these concerns have been addressed.

The proposal would have clear and significant benefits for elderly members of the Jewish community which outweigh the potential limited harm to elderly members of the community arising from the installation of the proposed equipment.

### *Young Children and parents of young children in the Jewish Community*

Without an Eruv, very young children that have not reached walking age or are only capable of walking short distances would not be able to leave their home on the Sabbath to go to the synagogue to worship or go out for any other activity.

Due to childcare responsibilities, at least one parent would similarly be effectively housebound. Moreover, it is likely that mothers would have a greater childcare responsibility and therefore are likely to be disproportionately affected.

The introduction of the Eruv would enable the use of pushchair's, pram's etc for taking children out on the Sabbath. This would provide greater equality of opportunity not only for the children themselves but also their carer's. In addition there would be indirect benefits to the wider community from being able to include all members in the various activities.

Officers consider that the proposal would positively benefit members of this particular group. No noteworthy potential adverse impacts on members of this group have been highlighted or drawn to officers attention through the consultative process.

### *Fostering Good relations*

With regard to the Public Sector equality duty S149 (5) of the Equality Act 2010 requires that the Council have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding”

It is considered that the planning application itself provides an opportunity for inter religion understanding to be promoted. The promotion of the planning application and public consultation which outlines the role of the Eruv has provided an insight into the practices of the Orthodox Jewish Community to other local people.

### *Overall conclusion on equalities impacts*

In determining this planning application the LPA must have due regard to the equalities impacts of the proposed Eruv on those persons protected under the Equality Act 2010. This Act requires the LPA to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts both positive and negative have been weighed in the case of each of the affected protected groups. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on elderly, disabled and young members of the Orthodox Jewish Community.

Officers consider that proposal has the potential to generate certain negative impacts on groups with the protected characteristics of age, disability, religion or belief.

There have been objections to the application made in respect of religious or belief characteristics, demonstrates that these respondents feel strongly against the Eruv and have taken the time and trouble to detail those objections are summarised within the report.

However, officers consider that in practice the development would not change the use of the land nor impose any changes in behaviour on others. The development proposed would not prevent walking along the pavement, driving or change the behaviour of any groups who do not currently observe the Sabbath.

The creation of the Eruv itself does not require planning permission as most of the boundary does not involve development for the purposes of the Town and Country Planning Act 1990. The application comprises street furniture, poles joined at the top by “wire”, 1m high posts known as leci and fencing.

Besides the poles and “wire” and leci there are no other manifestations delineating the Eruv boundary. The development would not display any signage or religious symbol.

No one group would be directly disadvantaged by the Eruv, however those Jews

who do not wish to transgress Jewish Law would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of other protected groups, outside of the Jewish community.

## **5. CONCLUSION**

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development which it advises has three dimensions; economic, social and environmental. It is considered that this application is promoted by the social dimension in that it reflects the community's needs and supports its health, social and cultural well being.

The environmental dimension of sustainable development is also relevant in respect of the need to protect and enhance the natural, built and historic environment needs to be taken into account in the consideration of this application.

The application is also supported by the London Plan, in particular policy 3.16 which seeks the protection and enhancement of social infrastructure.

In addition the application has the support of the Council's development plan policies.

Each individual Eruv equipment site has been assessed in detail and in each case it is considered that the proposal would be acceptable in terms of its impact on the visual amenities of the area and the amenities of neighbouring residents. In conservation terms the application would be neutral and would therefore preserve the character and appearance of the conservation area. The objections / concerns which have been raised in respect of the potential impact on birds and bats are not supported by substantial evidence and do not justify the refusal of the permission sought.

The proposed site and siting of the proposed equipment on the public highway has been carefully considered in respect of highway safety in general and the potential impact the development could have on the ability of disabled persons to use the public highway. Officers consider that the proposal is acceptable in this regard.

The potential impacts of the proposal on persons with characteristics that are protected by the Equality Act 2010 have been taken into account in the consideration of this application. No one group would be directly disadvantaged by the Eruv, however those Jews who observe Jewish Law against carrying on the Sabbath would benefit. There would be benefits from the proposals to groups with protected characteristics, including parents and grandparents of young children, the disabled and their families, and the elderly.

Officers consider that the benefits to these protected groups would outweigh the potential harm to members of protected groups, outside of the Jewish community as

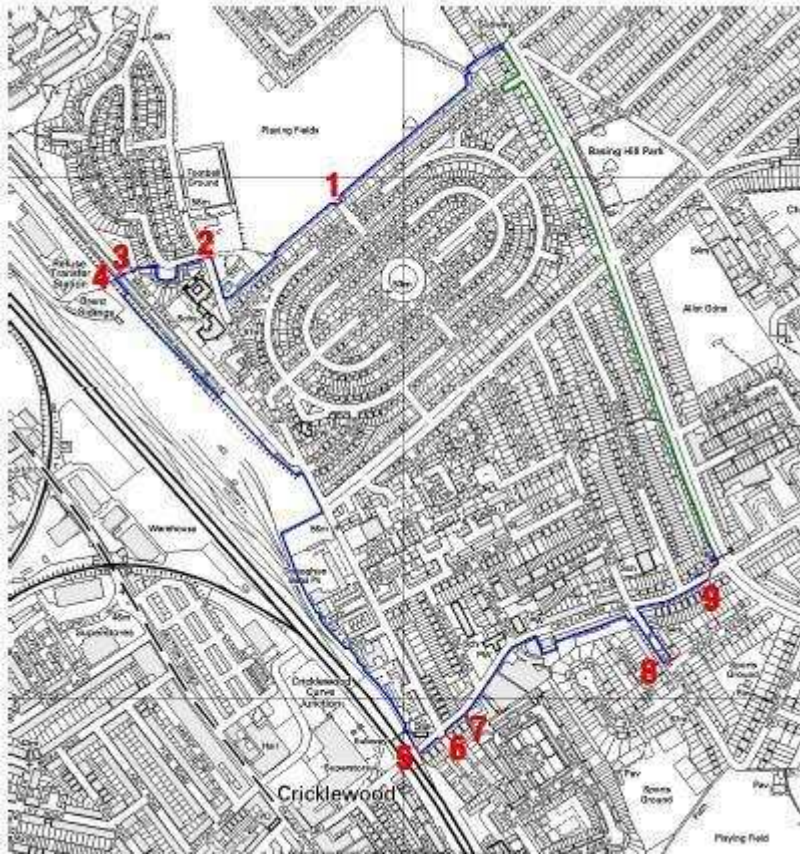
previously addressed.

Eruvim already exist elsewhere in the borough and officers have visited these to assess the impact that the equipment has on the character and appearance of those areas. Officers consider that the Eruv equipment has no adverse impact and readily assimilates into the street scene. Similarly there is no evidence that the concerns raised in respect of the potential adverse impacts of the proposal on protected groups have materialised.

The proposals are considered to be acceptable and approval is recommended subject to conditions.

**SITE LOCATION PLAN: Golders Green Eruv, London, NW11**

**REFERENCE: F/001711/14**



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**LOCATION:** 20 Park Avenue, London, NW11 7SJ

AGENDA ITEM 8

**REFERENCE:** F/02989/14

**Received:** 03 June 2014

**Accepted:** 03 June 2014

**WARD(S):** Childs Hill

**Expiry:** 29 July 2014

**Final Revisions:**

**APPLICANT:** Ms Taylor

**PROPOSAL:** Demolition of existing two storey rear bay window and single storey rear extension. The erection of single storey side and rear extension (amended description)

**RECOMMENDATION: Approve Subject to Conditions**

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

Site Plan

PA-BP-001-A - existing block plan

PA-BP-002-A (Rev1) - proposed block plan

PA-PL-002-A - existing and proposed ground floor plan

PA-PL-001-A (Rev1) - existing and proposed roof plan

PA-PL-003-A (Rev1) - existing and proposed first floor plan

PA-PL-004-A (Rev1) - existing and proposed front elevation

PA-PL-005-A (Rev1) - existing and proposed east elevation

PA-PL-006-A (Rev1) - existing and proposed west elevation

PA-PL-007-A (Rev1) - existing and proposed rear elevation

PA-PL-008-A (Rev1) - existing and proposed section

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 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).

#### **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.

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Framework

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



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

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

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

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

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

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

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

#### Relevant 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, CS15.

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

#### Supplementary Planning Documents and Guidance

- Residential Design Guidance SPD (April 2013)
- Sustainable Design and Construction SPD (April 2013)

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

In respect to amenity, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms

or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Relevant Planning History:

Site history for current landparcel :  
20 Park Avenue, London, NW11 7SJ  
Case Reference: F/02989/14

Planning applications

**Site Address:** 20 Park Avenue London NW117SJ  
**Application Number:** C15062B/05  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 30/03/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing garage and erection of single storey garden room.**  
**Case Officer:** Laura Knight

**Site Address:** 20 Park Avenue London NW11 7SJ  
**Application Number:** C15062A/02  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 21/02/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Front boundary wall constructed of brick and metal railings and metal gates.**  
**Case Officer:**

**Site Address:** 20 Park Avenue London NW117SJ  
**Application Number:** C15062/02  
**Application Type:** Section 192  
**Decision:** Lawful Development  
**Decision Date:** 20/11/2002  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey rear extension- New front porch**  
**Case Officer:**

**Site Address:** 20 Park Avenue, London, NW11 7SJ  
**Application Number:** F/04596/13  
**Application Type:** Householder  
**Decision:** Approve with conditions  
**Decision Date:** 26/11/2013  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension to roof involving rear dormer window to facilitate a loft conversion. Two-storey rear extension. Creation of basement. Part demolition to existing single storey rear extension. Minor fenestration changes.**  
**Case Officer:** James Stone

**Site Address:** 20 Park Avenue, London, NW11 7SJ  
**Application Number:** F/00015/14  
**Application Type:** Section 192  
**Decision:** Lawful Development

**Decision Date:** 11/02/2014  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension to roof including rear dormer window to facilitate a loft conversion.**  
**Case Officer:** Kate denTeuling

**Site Address:** 20 Park Avenue, London, NW11 7SJ  
**Application Number:** F/01289/14  
**Application Type:** Householder  
**Decision:** Withdrawn  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single, part two storey rear extension and single storey front extension incorporating new front porch with balcony over following demolition of existing single storey extension and bay window to rear and existing front porch.**  
**Case Officer:** Kate denTeuling  
Consultations and Views Expressed:

Neighbours Consulted: 9 Replies: 6  
Neighbours Wishing To Speak 1

5 objections were received. They are summarised as follows:

- Height and bulk
- Precedent set of the proposal
- Garden room touching the granny flat on the other side does not have a gap between the two walls and there is noise pollution
- Sound insulation
- Build-up of waste brought on a daily basis by vans arriving at the site
- People living in the 'garden room'
- Visual impact of a large dwelling and a very small garden is disproportionate and out of scale with the size of the plot
- Loss of light
- Overlooking
- Effect on nature and loss of trees
- Effect on areas of special architectural interest and building character
- Loss of building character at the rear of the property
- Lower the value of nearby properties

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is a detached residential dwelling house on the northern side of Park Avenue in the ward of Childs Hill. The surrounding area is residential in character.

The property is not a listed building nor does it lie within a Conservation Area.

### Proposal:

The development application initially sought permission for:

- Demolition of existing ground floor rear extension and two storey rear bay window, following by erection of part single, part two storey side and rear extension. Alterations to the front door and ground floor front elevation windows.

Concerns were raised with regard to the proposal. The development was amended, including the deletion of the first floor rear/side extension, and the amended plans detailed:

Demolition of existing two storey rear bay window and single storey rear extension, and the erection of single storey side and rear extension. Alterations to the front door and ground floor front elevation windows.

#### Planning Considerations:

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

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- Whether harm would be caused to the living conditions of neighbouring residents;

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.

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 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 development includes the demolition of a pair of projections at rear of the development site, and a ground floor rear extension measuring 3.3 metres wide and 6 metres deep, with a flat roof.

The rear extension is located between the existing 'guest room' and to the side of the 'study' room, and due to the demolition of a portion of the building, the proportion of the rear private amenity space enjoyed by the residents of the dwelling will not be diminished.

It is considered that the development will not result in overlooking into the adjoining properties, as the first floor windows are set 1.7 metres further away from the rear of the site, than the existing windows.

The alterations to the front door and front ground floor windows could be undertaken

as Permitted Development, and are considered to be satisfactory.

It is considered that the development allows the dwelling to sit comfortably on the site without it leading to an overbearing impact or an unacceptable sense of enclosure to the adjoining users/occupants in the adjoining dwellings. The property will not result in unacceptable light or loss of outlook from the adjoining properties, and will not harm the character of appearance of the property and area.

The siting, proportion and design of the development is considered to be acceptable in terms of appearance and character within the existing building and street scene, and will not adversely impact the wider neighbourhood character. 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 planning matters raised have been discussed in the appraisal.

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

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

### **5. CONCLUSION**

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:** 20 Park Avenue, London, NW11 7SJ

**REFERENCE:** F/02989/14



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**LOCATION:** Brondesbury Cricket Tennis And Squash Club, 5A Harman

Drive, London, NW2 2EB

**REFERENCE:** F/02788/14

**Received:** 22 May 2014 **AGENDA ITEM 9**

**Accepted:** 11 June 2014

**WARD(S):** Childs Hill

**Expiry:** 06 August 2014

**Final Revisions:**

**APPLICANT:** Brondesbury Cricket, Tennis and Squash Club

**PROPOSAL:** Installation of 8no. x 12 metre high steel masts for cricket/tennis protection netting/fencing.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Tennis Court Boundary Net Specification.

**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).

**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.

**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.

#### 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.

#### Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.



## Relevant Planning History:

**Site Address:** Brondesbury Cricket Tennis & Squash Club, 5A Harman Drive, London, NW2 2EB  
**Application Number:** 03641/09  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 27/11/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of new single storey building to replace existing tennis shelter.**  
**Case Officer:** David Campbell

**Site Address:** 5A Harman Drive London NW2 2EB  
**Application Number:** C04254J/06  
**Application Type:** Material Minor Amendment/Vary Condition  
**Decision:** Refuse  
**Decision Date:** 04/10/2006  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation to condition 2 (hours of use of floodlighting) of planning permission C04254H/01 dated 03/07/2002 (floodlighting to two tennis courts at rear of 42 - 50 Farm Avenue) to allow use of the floodlights between 9am and 10pm all year around (AMENDED SITE ADDRESS)**  
**Case Officer:** Kevin Waters

**Site Address:** Brondesbury Cricket, Tennis and Bowls Club Harman Drive NW2  
**Application Number:** C04254A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/07/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of 2 squash courts and store with groundman's flat over and eight parking spaces.**  
**Case Officer:**

**Site Address:** Brondesbury CT and BC Sports Ground Harman Drive NW2  
**Application Number:** C04254B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/04/1974  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension at rear of clubhouse to provide toilets**  
**Case Officer:**

**Site Address:** BRONDESBURY CRICKET, TENNIS & BOWLS CLUB HARMAN DRIVE LONDON NW2  
**Application Number:** C04254C  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 25/05/1977  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey rear extension**

**Case Officer:**

**Site Address:** Brondesbury Cricket Club Harman Drive NW2  
**Application Number:** C04254D  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/08/1979  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey rear extension.**  
**Case Officer:**

**Site Address:** Brondesbury Cricket Tennis & Squash Club Harman Drive LONDON NW2  
**Application Number:** C04254G  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 06/10/1993  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Installation of 15 x 6 metre highfloodlighting columns to the four newest allweather tennis courts.**  
**Case Officer:**

**Site Address:** BRONDESBUURY TENNIS CLUB Harman Drive LONDON NW2  
**Application Number:** C04254E  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/01/1989  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey pavilion**  
**Case Officer:**

**Site Address:** Brondesbury Cricket, Tennis and Squash Club Harman Drive NW2  
**Application Number:** C04254F  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 22/11/1989  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retention of single storey wooden chalet to form shelter**  
**Case Officer:**

**Site Address:** Brondesbury Cricket, Tennis & Squash Club, 5A Harman Drive, London, NW2 2EB  
**Application Number:** F/04431/11  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 09/03/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of 5No. x 6 metre floodlights and installation of additional luminaires onto existing poles to provide illumination to courts 4 and 7.**  
**Case Officer:** David Campbell

**Site Address:** University College School Sports Ground, Ranulf Road, London, NW2 2BH  
**Application Number:** F/04029/13  
**Application Type:** ES Screening Opinion

**Decision:** ES Not Required  
**Decision Date:** 11/09/2013  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Environmental Impact Assessment - Screening Opinion**  
**Case Officer:** James Stone

**Site Address:** Brondesbury Cricket, Tennis & Squash Club, 5A Harman Drive, London, NW2 2EB

**Application Number:** F/00480/14  
**Application Type:** Conditions Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details for condition 4 (Photometric tests data) pursuant to planning permission F/04431/11 dated 05/03/12. RETURNED**  
**Case Officer:** Graham Robinson

**Site Address:** Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

**Application Number:** F/00162/14/ENQ  
**Application Type:** Pre-Application Enquiry  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Development of a new indoor tennis court and a new single storey pavilion at Brondesbury Cricket Ground.**  
**Case Officer:** Graham Robinson

**Site Address:** BRONDESBURY CRICKET TENNIS & SQUASH CLUB, 5A HARMAN DRIVE, LONDON, NW2 2EB

**Application Number:** F/03540/08  
**Application Type:** Material Minor Amendment/Vary Condition  
**Decision:** Refuse  
**Decision Date:** 03/08/2009  
**Appeal Decision:** Allow subject to conditions  
**Appeal Decision Date:** 03/08/2009  
**Proposal:** **Variation of condition 2 (Hours of use of Flood lighting) of planning permission C04254H/01 dated 03.07.02 to allow use of floodlights to courts Nos 5 + 6 between 09.00-21.30 hours all year around.**  
**Case Officer:** David Campbell

#### Consultations and Views Expressed:

Neighbours Consulted: 79                      Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Netting is tall and excessive in height
- Loss of view
- Masts have already been constructed
- Affect the amenity of neighbouring properties

- No evidence to support need for masts
- There has not been adequate research into the safety issues associated with the masts.

Internal /Other Consultations:

N/A

Date of Site Notice: 26 June 2014

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site is Brondesbury Cricket, Tennis and Squash Club. The site is accessed from Harman Drive, between no.5 and no.7. There is an access drive that runs between these properties leading to the sports club. The sports club is surrounded by residential properties on Horton Avenue to the west, and Farm Avenue to the north.

Proposal:

The proposals are for the installation of 8no. x 12 metre high steel masts for cricket/tennis protection netting/fencing. It should be noted that the works have already been undertaken and are retrospective.

Planning Considerations:

The main issues are considered to be:

- The impact on the character and appearance of the area
- The impact on neighbouring amenity

The applicant has advised

*The impact on the character and appearance of the area*

The netting and masts are principally visible from within the sports ground and from the rear gardens and windows of neighbouring residential properties.

Such netting at a height of 12m can reasonably be expected to be seen within a sports ground. Whilst it is acknowledged that the nets are of significant height, it is considered that their slimline design, colour and spaced netting ensure that they do not appear unduly obtrusive within this context.

It is not considered that the proposals are materially harmful to the character and appearance of the streetscene or general locality.

*The impact on neighbouring amenity*

The masts and netting have been constructed and are visible from the rear windows

and gardens of properties on Farm Avenue.

The right to a particular view is not a planning consideration, only whether the visual impact of the mast and nets are acceptable.

Although the masts and nets are visible from the rear gardens of property, it is not considered that their impact is unduly oppressive or dominating as viewed from neighbouring residential properties, given the design of the masts and the distance of them away. They would not cause harmful loss of light or outlook.

The masts are sited approximately 15m from the rear boundaries of properties on Farm Avenue.

Furthermore, the masts have been painted green which helps minimise their visual impact against the backdrop of trees and shrubs. It is however recognised that there would be less screening during winter months. Given the distance of the masts away from the boundary, it is not considered that the visual impact of the mast and netting warrants refusal of the application.

It is not considered that the masts and netting materially harm neighbouring visual or residential amenity.

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

Generally addressed in main report.

Loss of view - *The loss of a view is not a material planning consideration.*

Masts have already been constructed - *Noted, though the proposals must be assessed on their own merits.*

No evidence to support need for masts - *Addressed in main report.*

There has not been adequate research into the safety issues associated with the masts.- *The applicant has provided a technical risk assessment. Although it is acknowledged that this is a desk study it is not considered that further information with regard to this could be reasonably required.*

### **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: Brondesbury Cricket Tennis And Squash Club,  
5A Harman Drive, London, NW2 2EB**

**REFERENCE: F/02788/14**



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**LOCATION:** The Castle, 452 Finchley Road, London, NW11 8DG **AGENDA ITEM 10**

**REFERENCE:** F/03607/14

**Received:** 04 July 2014

**Accepted:** 09 July 2014

**WARD:** Childs Hill

**Expiry:** 03 September  
2014

**Final Revisions:**

**APPLICANT:** Elpo Ltd

**PROPOSAL:** Demolition of the existing building and erection of a four storey building plus basement comprising of 9no. self-contained flats with B1(a) (Office space) at ground floor level. 13 car parking spaces, secure cycle parking and refuse stores at basement level. Alterations to increase width of access road.

**Approve Subject to S106**

**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** **£65,536.00**  
A contribution towards the cost of felling and replacement tree planting to enable the removal of the protected mature Horse Chestnut tree T6 and Sycamore T1.
- 4 **Special Site-Specific Obligation** **£6,000.00**  
A contribution towards the reduction and on-going maintenance of the large Mature Horse Chestnut T4.
- 5 **Open Spaces (specific site or purpose)** **£13,500.00**  
A contribution towards the provision of open space improvements to Elm Park.
- 6 **Monitoring of the Agreement** **£4,252.00**  
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: F/03607/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1213-A-001,1213-A-003,1213-A-130B, 1213-A-131C, 1213-A-132C, 1213-A-133C, 1213-A-134C, 1213-A-210C, 1213-A-211B, 1213-A-212B, 1213-A-213B, 1213-A-310A, 1213-A-311A, 1213-A-020B,1213-E-103A, 1213-E-120A, 1213-E-121A, 1213-E-122A, 1213-E-123A, 1213-E-124A,1213-E-210A, 1213-E-211A, 1213-E-212A, 1213-E-213A.

Reason:

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

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

Reason:

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

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

Reason:

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

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



Reason:

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

- 5 Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system and the amenities of the area to comply with Policies 5.13 and 5.14 of the London Plan 2011.

- 6 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.

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

Reason:

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

- 8 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).

- 9 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.

- 10 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).

- 11 The hereby approved B1 unit shall be used as an office only and no other purpose (including any other purpose in Class B 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.

- 12 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 1213-A-130B 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.

- 13 Before the building hereby permitted is occupied the proposed window(s) in the side elevation facing Portman Heights 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).

- 14 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.

- 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 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).

- 17 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).

- 18 Before the building hereby approved has been occupied details shall be submitted to and approved in writing by the Local Planning Authority as to where the Toll Booth plaque shall be located on the new building. Within 1 month of the details being approved the plaque shall be installed in accordance with the approved details and thereafter permanently retained.

Reason:

To maintain the historic importance of the building in accordance with policy DM06 of the adopted Local Plan.

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

Reason:

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

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

Reason:

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

#### **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](http://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 £31,720.50 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 £122,377.50 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 at: [cil@barnet.gov.uk](mailto: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](http://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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

#### 2. 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.

#### 3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

### **RECOMMENDATION III:**

That if an agreement has not been completed by 3rd October 2014, that unless otherwise agreed in writing, the Director of Development Management and Building Control should REFUSE the application F/03607/14 under delegated powers for the following reasons:

1. The development would require a section 106 agreement and no formal undertaking is given to the Council as a result the proposed development would, by reason of the developer not meeting the costs of removal of protected trees T6 and T1 and their replacement planting would be contrary to DM01 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS NPPF and CS5 of the Local Plan Core Strategy (adopted) 2012.
2. The development would require a section 106 agreement and no formal undertaking is given to the Council as a result the proposed development would, by reason of the developer not meeting the costs of enhancing open space provision in the adjoining Elm Park would result in a shortfall of amenity space provision on site contrary to current adopted Council Guidelines and policy DM01

of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS NPPF and CS5 of the Local Plan Core Strategy (adopted) 2012.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The Mayor's London Plan: July 2011: 3.4, 3.5

### Relevant Local Plan Core Strategy DPD (Adopted 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). The Core Strategy was adopted by the Council on September 11 2012.

CS1, CS3, CS5, CS7, CS8, CS10, CS13.

### Relevant Local Plan Development Management DPD (Adopted 2012) Policies:

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.

DM01, DM02, DM04, DM10, DM13, DM14, DM15

### Local Plan Supplementary Planning Document Residential Design Guidance (2013) and Local Plan Supplementary Planning Document Sustainable Design and Construction (2013)

Following adoption of the Local Plan - Core Strategy (CS) and Development Management Policies (DMP) documents in September 2012, Barnet has one of the most up to date Local Plans in the country. In order to help implement the CS and DMP the Council adopted two supplementary planning documents (SPDs) following consultation.

Both SPDs complement each other, with the first one covering design aspects of all residential developments, whilst the second SPD concentrates on the technical and construction side of all developments.

One of these is the Residential Design Guidance Supplementary Planning Document (RDG SPD) which provides a clear and consistent message on how we manage change within Barnet's suburbs. The SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hardstandings and Vehicular Crossovers).

The Sustainable Design and Construction Supplementary Planning Document (SD&C SPD) was first published in 2007. Since 2007, alongside Barnet's Local Plan Core Strategy and Development Management Policies documents, the London Plan has also undergone a full review and the National Planning Policy Framework has been published. The current SPD has been updated to reflect this.

### Relevant Planning History:



**Application:** Planning **Number:** F/01393/13  
**Validated:** 11/04/2013 **Type:** APF  
**Status:** DEC **Date:** 11/07/2013  
**Summary:** REF **Case Officer:** Denisse Celi  
**Description:** Demolition of the existing building and erection of a six storey building over a basement level to provide 13 self-contained units. Including A1 (retail) and B1 (Office space) at ground floor level. New car parking spaces, cycle parking, provision of refuse stores and alterations to increase width of access road.  
Planning

**Application:** **Number:** F/05428/13  
**Validated:** 18/11/2013 **Type:** APF  
**Status:** DEC **Date:** 24/06/2014  
**Summary:** REF **Case Officer:** Jo Dowling  
**Description:** Demolition of the existing building and erection of a six storey building over a basement level to provide 13 self-contained units. Including B1 (Office space) at ground floor level. New car parking spaces, cycle parking, provision of refuse stores and alterations to increase width of access road.

#### Consultations and Views Expressed:

Neighbours Consulted: 284 Replies: 12

Neighbours Wishing To Speak: 1

The objections raised may be summarised as follows:

##### •Overdevelopment

- The local community infrastructure – school, library, GP practice are already under pressure and this will make the situation worse.
- Inappropriate location for housing due to pollution from traffic.
- Living and dining accommodation is not stacked and there are no details of the floor/ceiling construction.
- Over reliance on obscure glass which indicates that the building is too large for the site and too close to its neighbours.
- Proposal will lead to difficulties for pedestrians crossing the road.
- Out of scale.
- Loss of light to Elm Park.
- Basement building leads to risk of damage to underground water systems.
- 13 parking spaces does not fit in with Barnet's policy of encouraging public transport and cycle use.

- Height does not fit with surrounding area.
- Noise and disturbance from construction works.
- Already many flats under construction in the local area – further flats are not needed.

Two letters of support was received.

The Hendon and District Archaeological Society (HADAS) requested that the plaque put on the wall by the former Hendon Corporation recalling that there used to be a tollgate nearby should be replaced on any new building and an archaeological condition.

CAMRA objected to the proposal as it would result in the loss of a pub which would be contrary to the NPPF.

The CLAN Residents Association objected to the proposal on the following grounds:

- The proposal should not be redeveloped as a block of flats
- Loss of a local community asset – the pub.

Internal /Other Consultations:

- Thames Water - No objection subject to a number of informatives
- Transport for London – No comments
- Traffic & Development – No objection subject to a number of conditions
- English Heritage -Listed Build - No objection

Date of Site Notice: 17 July 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site consists of 452 Finchley Road (the Castle Pub) and 452a Finchley Road (previously occupied by Simportex, metal importers). The site is located on the east side of the Finchley Road on the junction with Hermitage Lane/Cricklewood Lane.

The Castle Pub is a collection of part single/part two/part three storey buildings. The current buildings appear to date from the early nineteenth century although there are historical references to a public house being in this location from the 17th Century. Following the construction of the Finchley Road in the 1820s, a tollgate was established at the site. This is commemorated with a plaque on the wall of the pub. The pub is currently vacant and surrounded by hoardings, parts of the building have been demolished.

The pub is located hard up against the back edge of the footpath on Hermitage Lane

and is set back from the Finchley Road by a tarmacked lay-by.

452a Finchley Road is a single storey building with a large pitched roof; it is located adjacent to an access road that runs between the application site and Portman Heights. The building is currently occupied by a metal importers and appears to be used as their offices although the lawful use of the building is as an estate agents.

To the rear of the site is Elm Park, a local authority owned public open space. There are a number of mature trees located within the park adjacent to the boundary with the application site.

Levels rise from front to rear and across the site by 4.2m.

The site has an area of 0.1 hectares.

The site is located within an established residential area in a tight knit suburban area. The properties on the Finchley Road are predominantly purpose built blocks of flats.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. The site has been assessed to have a PTAL of 4, 6 being the highest level of accessibility.

Proposal:

The application is for the demolition of the existing buildings on the site and erection of a 4 storey building plus basement level to provide 9 self-contained units. Including B1 (office space) at ground floor level. 13 car parking spaces, cycle parking, provision of refuse stores and alterations to increase the width of the access road.

Due to the changes in levels the proposed basement would appear as a full storey adjacent to the access road but would be subterranean adjacent to Hermitage Lane. Vehicular access into the basement level is taken off the access road that runs between the site and Portman Heights and provides direct access onto the Finchley Road. 13 parking spaces; cycle parking for 20 cycles and a refuse store are proposed within the basement.

On the ground floor one office unit is proposed both of which would be located on the corner of the building having frontages onto both Finchley Road and Hermitage Lane but would be accessed from Hermitage Lane. The remainder of the ground floor and the floors above would be residential accommodation. The following units are proposed:

Unit	No of beds/persons	GIA
U01	3 bed/6 person	159sqm
U02	3 bed/6 person	139sqm

U03	3 bed/6 person	147sqm
U04	3 bed/6 person	140sqm
U05	3 bed/6 person	122sqm
U06	3 bed/6 person	148sqm
U07	3 bed/6 person	192sqm
U08	3 bed/6 person	136sqm
U09	3 bed/6 person	153sqm

Planning Considerations:

Planning permission (our ref: F/05428/13) was recently refused for a similar scheme. The reasons for refusal were as follows:

3. The proposed building by reason of its height, bulk, scale, siting and design would be an overly dominant, incongruous addition relative to adjoining properties which would result in material harm to the visual amenities and character of the locality and streetscene contrary to policies CS1 and CS5 of the Core Strategy (2012), policy DM01 of the Development Management Policies DPDP (2012) and the Adopted Residential Design Guidance SPD (2013).
1. The proposal would result in the loss of protected trees in Elm Park without a formal undertaking to provide replacements to the detriment of the character of the area contrary to policies CS1 and CS5 of the Core Strategy (2012), policy DM01 of the Development Management Policies DPD (2012).
2. The proposal does not include a formal undertaking to provide Affordable Housing in accordance with the requirements of policy DM10 of the adopted Development Management Policy DPD (2012) and the Affordable Housing SPD.
3. The proposed development would generally fail to provide a sufficient amount of outdoor amenity space for all flats and the amenity areas of flats U01 and U02 (ground floor) would be of poor standard by virtue of significant tree shading detrimental to the amenity of future occupiers contrary to policy DM01 of the Development management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013) and the Adopted Sustainable Design and Construction SPD (2013).

The starting point for this application therefore is whether the current application successfully addresses these reasons for refusal. Dealing with each of these in turn:

**The proposed building by reason of its height, bulk, scale, siting and design would be an overly dominant, incongruous addition relative to adjoining properties which would result in material harm to the visual amenities and character of the locality and streetscene contrary to policies CS1 and CS5 of**

**the Core Strategy (2012), policy DM01 of the Development Management Policies DPDP (2012) and the Adopted Residential Design Guidance SPD (2013).**

The previous application was for the erection of a six storey building over a basement to create 13 flats. Following discussions with the Council the current scheme has been reduced in size to four storey over a basement to create 9 flats.

The existing pub sits on a prominent corner junction of Finchley Road and Hermitage Lane. The main building is two storeys in height with single storey extensions and a 3 storey element to the rear. It is set back from the junction behind a small service road. The buildings in the wider vicinity of the site vary in height and bulk, although it is those on the eastern side of the road that provide the immediate context against which any new building will be seen. These include the 5-6 storey flatted block to the north (Portman Heights) and the 3-storey Victorian terrace to the south (Nos. 450 - 420 Finchley Road). Portman Heights is set back from the main road behind established planting and the most immediate neighbour, at No.450, is on the corner of Hermitage Lane and positioned at the back edge of pavement.

The overall height of the proposed building has been reduced to 4 storey at its tallest, although the upper floor is set back from both the side elevations. Due to the levels changes on the site on its northern side, facing Portman Heights it is 5 storeys and on the south side, fronting Hermitage Lane it is 6 storeys. The main bulk of the building is set back from the Finchley Road frontage behind single and two storey elements. The building is flat roofed and faced in a dark brick at the lower level and yellow/buff brick on the upper storeys with GRC weatherboarding.

The proposed development is considered to address the previous concerns about scale and dominance on this prominent corner where its closest neighbours are much more modest in scale. Whilst it is recognised that there are some buildings in the area, including Portman Heights, are relatively tall, the most immediate context is defined by the existing building and the 3-storey terrace to the south. Furthermore as the land rises from north to south at this point of the Finchley Road and also west to east from Cricklewood Lane across the junction and up Hermitage Lane any new building would be located at the highest and most visually prominent part of the crossroads.

The footprint of the proposed building is far more expansive than the existing and involves building up to the northern boundary and turning the corner into Finchley Road. This 2-storey element of the scheme is considered to have a marked visual impact in the street scene as it is positioned on the back edge of the footway and well beyond the front building line of Portman Heights.

Due to the reduction in size the proposed impact on the area of public open space at Elm Park which adjoins the site to the east is now considered acceptable.

The proposal is therefore considered to be too address concerns about the previous schemes height and bulk and the amended scheme pays due regard to the established grain of development on the eastern side of the road.

As a result it is considered that the current proposal satisfactorily addresses the previous reason for refusal and is considered to reflect and respect the design and

form of the streetscene of which it forms part. The proposal is therefore considered to accord with the requirements of the NPPF and Policies CS1 and DM01 of the adopted Local Plan.

**The proposal would result in the loss of protected trees in Elm Park without a formal undertaking to provide replacements to the detriment of the character of the area contrary to policies CS1 and CS5 of the Core Strategy (2012), policy DM01 of the Development Management Policies DPD (2012).**

Since the original application was considered the trees adjacent to the boundary (and one within the site) have been made the subject of a Tree Preservation Order.

Following detailed discussions with the Council's Tree and Landscaping Officer and representatives from the Greenspaces section it has been agreed that subject to funding for replacement trees that tree T6 (the tree closest to the site) can be removed.

Furthermore, work has been done by the applicant including the provision of amended plans which accurately reflect the root protection zones for the retained trees to satisfy the Council that subject to appropriate protection measures through the construction process the trees could be retained on site without any adverse impact on their health and life expectancy.

The plans have been amended so that the internal layout of flats have been reconfigured to ensure that where a trees canopy is in close proximity the windows affected are secondary windows or to bedrooms and therefore the original concerns regarding outlook for future occupiers of these units are mitigated. Further amendments to the plans have removed the balconies from the rear elevation that would have been adversely affected by trees overhanging or in close proximity. As a result the Council consider that in so far as possible the scheme has been amended to satisfactorily address concerns regarding retention of trees through construction and pressure from future residents for their removal/reduction of canopies.

It is therefore considered that subject to funding for replacement trees to offset the loss of protected tree T6 and suitable conditions to ensure the retained trees are protected through the construction process the proposal is considered to satisfactorily address this reason for refusal.

**The proposal does not include a formal undertaking to provide Affordable Housing in accordance with the requirements of policy DM10 of the adopted Development Management Policy DPD (2012) and the Affordable Housing SPD.**

In order to address concerns regarding bulk and scale of the building the current proposal has been reduced in height by two floors this has resulted in a reduction in the number of units proposed from 13 to 9 and as a result there is no requirement for affordable housing provision at the site. It is therefore considered that this reason for refusal is no longer applicable.

**The proposed development would generally fail to provide a sufficient amount of outdoor amenity space for all flats and the amenity areas of flats U01 and U02 (ground floor) would be of poor standard by virtue of significant tree shading detrimental to the amenity of future occupiers contrary to policy DM01**

**of the Development management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013) and the Adopted Sustainable Design and Construction SPD (2013).**

In order to address concerns regarding the impact of the protected trees on the rear elevation of the property the balconies that were on the original scheme have been removed. Whilst this has addressed concerns regarding future pressure on the trees the current scheme therefore has less amenity provision than the previously refused scheme. In addition, the ground floor units would still retain a rear terrace which will be of a poor standard by virtue of significant tree shading detrimental to the amenity of future occupiers in addition this scheme has no balconies on the front elevation where there were concerns regarding air quality. As a result it is considered that in addition to an on-site shortfall the quality of some of the proposed amenity spaces falls short of what is required by current council guidance.

However, through an on-going dialogue between the applicant and the local planning authority it has been agreed that a pragmatic approach to this issue can be taken and given the adjacency of Elm Park the shortfall of on-site amenity provision would be acceptable subject to a financial contribution to enhance the provision at Elm Park and to address the costs of increased usage of the park that the lack of provision of on-site amenity space would not form a sustainable reason for refusal.

It is therefore considered that subject to a section 106 agreement to secure a financial contribution to enhance open space provision at Elm Park the current proposal has satisfactorily addressed the previous reason for refusal.

It is therefore considered that the proposal successfully addresses the previous reasons for refusal subject to the relevant conditions and legal agreement.

The proposed units are all in excess of the minimum floorspace requirements of the London Plan and comply with current council guidelines in terms of layout. Parking and cycle storage are provided in accordance with the requirements of Policy DM17.

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

The majority of these have been considered in the main report. However, the following specific responses can be made:

- The current proposal has been reduced from 13 to 9 units and reduced in height from 6 to 4 storeys the proposal is therefore not considered to result in an overdevelopment of the site.
- The scheme will be liable for CIL and as a result there will be contributions towards covering the costs of expanding local infrastructure to accommodate the proposed development.
- The adjoining sites are in residential use (as were the upper floors of the existing pub) it is therefore not considered to be an inappropriate location for housing.
- In the majority of the units accommodation is stacked to minimise noise transference. In the one instance where it is not stacked the bedroom is located above the living/dining room so as to minimise impact. In addition if Members are minded to approve the application a condition requiring sound insulation

between the units is recommended.

- Although there is obscure glazing in the side elevations these windows are secondary windows for the proposed new units. All habitable rooms will have clear glazed windows. The proposal is therefore not considered to result in loss of privacy or to be an overdevelopment.
  - An existing access will be used which currently leads to a car park that served the pub/office unit. There is only parking on site for 13 cars which would result in less vehicular movements than the current car park.
  - The proposal is not considered to result in loss of light to Elm Park.
  - Although a basement is proposed due to the changes in levels across the site only part of this will be underground and this is where there is an existing basement/cellar area for the pub. It is therefore not considered that the proposal will damage to underground water systems.
  - 13 parking spaces are in line with the requirements of Policy DM17 in addition 20 cycle spaces are proposed to encourage sustainable forms of transport.
  - The height has now been reduced and is considered to fit with surrounding area.
  - Noise and disturbance from construction works are not a material planning consideration. However, if Members are minded to approve the application then a condition restricting the hours of working at the site and requiring the submission of a construction management plan are recommended.
  - Barnet needs to deliver new housing to meet the needs of its expanding population. The proposal is considered to result in a sustainable use of a previously developed site in accordance with the requirements of the NPPF and adopted policy.
  - The incorporation of the Toll Bar plaque in any future building on the site is a matter that can be dealt with by condition.
  - English Heritage Archaeology has not advised of the need for an archaeological condition.
- Para.70 of the NPPF refers to shared space, community facilities as including pubs. Policy DM13 of the adopted Local Plan states that loss of a community use will only be acceptable in exceptional circumstances where:

- New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or

There is no demand for continued community or education use and that the site has been marketed effectively for such a use.

As the proposal does not re-provide the pub, in order to comply with this policy evidence would need to be submitted to demonstrate that the pub has been effectively marketed and that there was no demand.

Effective marketing is continuous active marketing for a period of 12 months at an



appropriate level both for rent and sale which can be agreed in advance with the council with no interest expressed in its existing use or other community facility uses.

However the Adopted Core Strategy defines Community Facilities as including children's play and recreation facilities, services to young people and disabled people as well as health facilities, education facilities, libraries, community meeting places, pools, arts and exhibition spaces, places of worship and public toilets. There is no reference to pubs which fall within the retail class (Class A4) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Section 11.11 of the Core Strategy defines use Class A4 as part of the 'Evening Economy' and Policy CS6 defines such uses as 'town centre uses'. This is reinforced by the NPPF which identifies pubs as town centre uses.

In terms of the Development Management Policies the pre-amble to Policy DM13 perpetuates the Core Strategy definition of 'community uses and expands on it to include education-type uses but still omits any reference to pubs.

The reference in the NPPF under Para 70 to public houses is considered to seek to address a very specific issue where a pub may be located within a more isolated settlement or village where there is a lack of community facilities locally and whereby as a result the pub itself has become the focus of the community as a local meeting place. In this situation it is therefore considered appropriate to consider the loss of a pub as the loss of a community facility, as its loss could have a significant impact on the local community dependent upon it leading to social isolation and exclusion. However, when applied to the application site which is located within the suburban outer London context with Childs Hill Library located approx. 500m away and Golders Green town centre less than 1 mile away it is not considered applicable.

Therefore, taking into account the definition of community facilities within the Local Plan, the loss of a pub is not considered to result in the loss of a community facility and accordingly Policy DM13 is not applicable. On this basis the only issue that can be considered is the loss of a retail unit. However, Policy DM12 is not considered applicable as it only protects A1 retail units. Furthermore, under the current proposal a replacement retail unit (Class A1) is proposed.

On this basis it is therefore considered that there is no in principle objection to the loss of the pub.

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

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

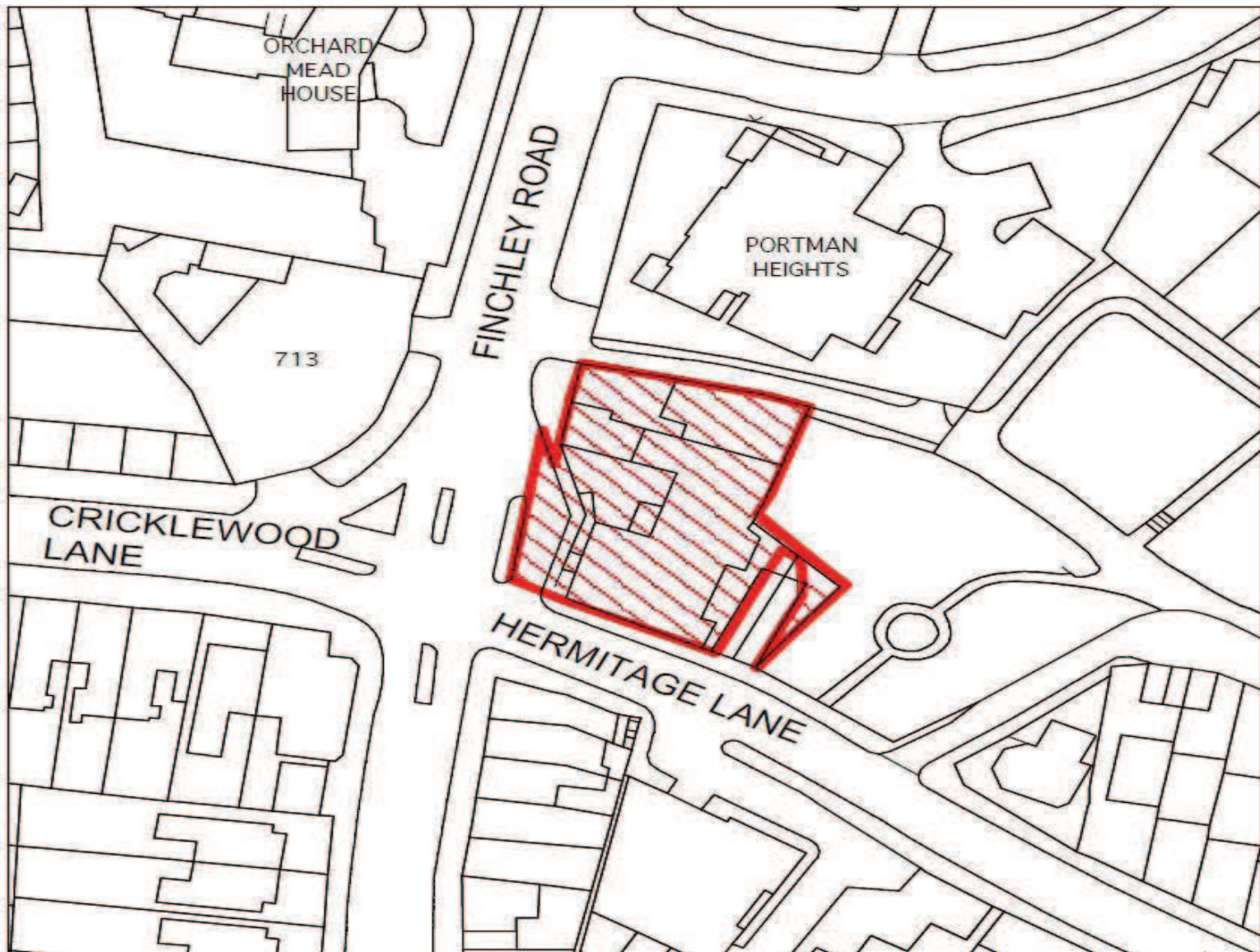
#### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that the new application satisfactorily addresses the previous reasons for refusal and is therefore considered subject to the recommended conditions and Section 106 agreement to comply with the Adopted Barnet Local Plan, London Plan and National Planning Policy Framework policies. This application is therefore recommended for approval.



**SITE LOCATION PLAN: The Castle, 452 Finchley Road, London, NW11 8DG**

**REFERENCE: F/03607/14**



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**LOCATION:** 27-29 Hermitage Lane, London, NW2 2EY

**AGENDA ITEM 11**

**REFERENCE:** F/02492/14

**Received:** 03 May 2014

**Accepted:** 21 May 2014

**WARD(S):** Childs Hill

**Expiry:** 16 July 2014

**Final Revisions:**

**APPLICANT:** Mr & Mrs Purdon / Learmonth

**PROPOSAL:** Demolition of existing building and erection of 1no. pair of two storey semi-detached residential dwellings, including rooms in roof space, basement level, associated off street parking, refuse facilities and hard/soft landscaping..

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: AL[05]170 Revision A, AL(05)158, AL[05]156 Revision A, AL[05]157, AL[05]154 Revision A, AL[05]155 Revision A, AL[05]152 Revision B, AL[05]153 Revision B, AL[05]150 Revision B, AL[05]151 Revision B, AL[05]132 Revision B, AL[05]140 Revision B, AL[05]130 Revision B, AL[05]131 Revision B, AL[05]171 Revision A, AL[05]125, AL[05]124, AL[05]123, AL[05]121, AL[05]122, 17374/3, AL[05]101, AL[05]100, 17374/2, 17374/1R1, AL[05]164, AL[05]163, AL[05]160, AL[05]161, AL[05]162, Planning Statement, AL[05]120, AL[05]110, AL[05]111, AL[05]112, AL[05]113, AL[05]114, AL[05]115, AL[05]116, AL[05]117, AL[05]118.

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 development hereby permitted is occupied, turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic 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 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 window(s) in the flank elevations facing 25 Hermitage Lane and 31 Hermitage Lane 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the area of 27-29 Hermitage Lane 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).

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

Reason:

To ensure a satisfactory appearance to the development 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).

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

Reason:

To ensure a satisfactory appearance to the development 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 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.

- 14 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme) 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).

- 15 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).

- 16 Prior to works commencing, existing ground water levels shall be inspected and a report detailing how the stability of the land 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.

- 17 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.

- 18 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 facing no.25 Hermitage Lane or 31 Hermitage 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.

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

- 3 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](http://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 £43,055 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 £11,211.52 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 at: [cil@barnet.gov.uk](mailto: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](http://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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

##### 2. 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.

### 3. 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.legislation.gov.uk)

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 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, DM08, DM17

#### Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

None Relevant

#### Consultations and Views Expressed:

Neighbours Consulted: 64                      Replies: 6  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Out of scale and proportion
- Design does not sit comfortably
- Roof design is out of character
- Loss of gap between properties
- Overbearing and sense of enclosure
- Basement will affect foundations
- Where would refuse be stored?
- Overlooking
- Loss of outlook
- Impact on flood risk

#### Internal /Other Consultations:

N/A

Date of Site Notice: 29 May 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

This application site is a 2-storey detached property located on the northern side of Hermitage Lane. Although this property has been converted into two flats in the past, its external appearance remains unchanged. According to the submitted 'OS Map' the application site measures approximately 10.5m wide at the front but gradually increases to a width of 17.5m at the rear.

There are no specific planning restrictions in this part of Barnet.

Although the pattern, spacing, form and architectural style of development vary along the southern side of Hermitage Lane; on the northern side, these are all fairly consistent. The buildings are predominantly detached, 2-storeys in height and finished in red brick with pitched (or crown) roofs. They are all closely spaced and set out in a linear pattern, following the line of the main road. A terrace of four 1970s style properties sit immediately to the west of the application site. To the east of the site the properties are predominantly 2-storey, detached buildings, which are evenly spaced along Hermitage Lane.

The existing dwelling on site does not benefit from any specific designation and is not considered to be of any significant architectural merit however it has been designed to sit discreetly within this site and appears to form part of the adjacent group of similar detached, red brick dwellings.

### Proposal:

The proposals are for demolition of existing building and erection of 1no. pair of two storey semi-detached residential dwellings, including rooms in roof space, basement level, associated off street parking, refuse facilities and hard/soft landscaping.

The proposals have been amended following discussions with the case officer. The proposed roof material was initially proposed to be metal cladding and would now be traditional roof tiles.

The ridgeline of the proposed dwellings has been reduced by 500mm in order to sit more comfortably within the streetscene. The proposed front dormer windows have been removed. The proposed level of the rear terrace has been reduced by a small amount.

### Planning Considerations:

The main issues are considered to be:

- Whether the proposals would harm the character and appearance of the area
- Whether the proposals would harm neighbouring amenity
- Whether the proposals would harm highway or pedestrian safety
- Whether the proposals would have an acceptable impact on local hydro-geology

*Whether the proposals would harm the character and appearance of the 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. This policy also states that the loss of houses in roads characterised by houses will not normally be appropriate. 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 significant factors when redeveloping sites within existing residential areas.

The principle of demolition is considered acceptable. The property is not within a conservation area and is not of particular architectural merit to warrant its retention. The location of this site within a residential area, on a sufficiently large plot makes the principle of two new units on the site in keeping with Council Policies relating to new developments. Furthermore, the form of the proposed development consisting of the replacement of the application property with two semi-detached dwellings and the sub-division of the site into two plots would not be out of keeping with the character and appearance of this street scene, primarily because the proposed dwellings would be of similar widths to others in the locality, particularly those to the east. Whilst to the north buildings are generally more regularly spaced detached dwellings, the character of the area is sufficiently mixed for this to fit within the streetscene.

Following pre-application discussions with the Local Planning Authority the applicant has made amendments to reduce the scale and bulk of the proposed dwellings. As amended the building would replicate the gable ended design of the terrace to the west, whilst maintaining a stepped relationship to no.31, which is at a higher level.

The proposals would involve the excavation of part of the rear garden. Whilst sunken terraces are not normally encouraged, given that the terrace at no.25 has a similar sunken level it is not considered that such a feature is harmfully out of character, and the resulting appearance of the rear garden would be acceptable.

The design of the proposed dwellings would pay adequate regard to the traditional

design of neighbouring buildings, whilst not seeking to replicate these.

Overall it is considered that the proposed new dwellings would have an acceptable impact on the character and appearance of the streetscene and general locality.

#### *Whether the proposals would harm neighbouring amenity*

In considering Barnet Development Management Policy DM01, given the distance between the proposed building and neighbouring buildings, it is considered that the proposals would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy to an unacceptable level.

In addition to the requirements of Policy DM01 in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the Sustainable Construction and Design SPD (2013) states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Furthermore the Residential Design Guidance SPD (2013) advises that 'Privacy is an important design issue and all residents should feel at ease within their home. Design can create privacy in a number of ways, including the careful positioning of buildings in relation to one another, internal layouts (positioning of windows and rooms requiring more privacy) and through screening and landscaping.'

The scheme would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies. It is also not considered that the increase in intensity of use of the site would warrant refusal of an application. The proposed building would extend some 2.3m (on side nearest, 3.25m further beyond) beyond the rear wall of no.25 and 2.9m beyond no.31. At first floor, the building would extend 3.25m beyond no.25 and 2.9m beyond no.31.

The minimum internal space standards for new development are laid out in table 3.3 of the London Plan 2011. The requirements for 3 storey houses (4 bed 6 people) is 113m<sup>2</sup>. Each house proposes 5 bedrooms whilst this is not covered in the London Plan table the pre-amble suggests that when designing homes for more than 6 persons/bedspaces, developers should allow approximately 10 square metres per extra bedspace/person. Each house complies with the minimum space standards.

The proposed rear terrace would be similar to that on the existing building. Whilst the depth is greater it is not considered that any overlooking would be materially harmful to neighbouring amenity. Furthermore, it would be sited far enough away from the boundaries with neighbouring residential properties to prevent the structure from appearing overbearing or causing loss of outlook.

Table 2.3 of the Barnet's supplementary planning document sustainable design and construction (2012) indicates outdoor amenity space requirements. For houses of this type the standard is set at 85m<sup>2</sup>. Each dwelling meets the requirements of on site usable amenity space.

#### *Whether the proposals would harm highway or pedestrian safety*



The proposals would necessitate 1.5-2 car parking spaces for each dwelling. The proposals would provide four parking spaces which comply with the requirements of the condition. It is not considered that the proposals would have a harmful impact on highway or pedestrian safety.

*Whether the proposals would have an acceptable impact on local hydro-geology*

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes.

Careful consideration must be given when constructing basement development as in some instances it may prove to be detrimental to the stability of buildings, the amenity of neighbours and contribute to flooding and drainage problems. The applicant has carried out a desktop study and this is contained within their planning statement. In view of the excavations proposed and the site's location within an area of claygate beds, a ground investigation is required before works commence. This would be secured by condition.

The report should determine in particular the surface flow of water, the subterranean flow of water and land stability. Further guidance on basements is set out in the Residential Design Guidance SPD sections 12 and 14.

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

Generally addressed in main report.

Loss of gap between properties - *This is not considered grounds to refuse permission*

Basement will affect foundations - *This is principally a building control issue*

Where would refuse be stored? - *Refuse stores are indicated to the front of the property adjacent to either boundary. Details would be finalised by condition*

Impact on flood risk - *The site is not located within an area of flood risk and these are not considered grounds to refuse the application*

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

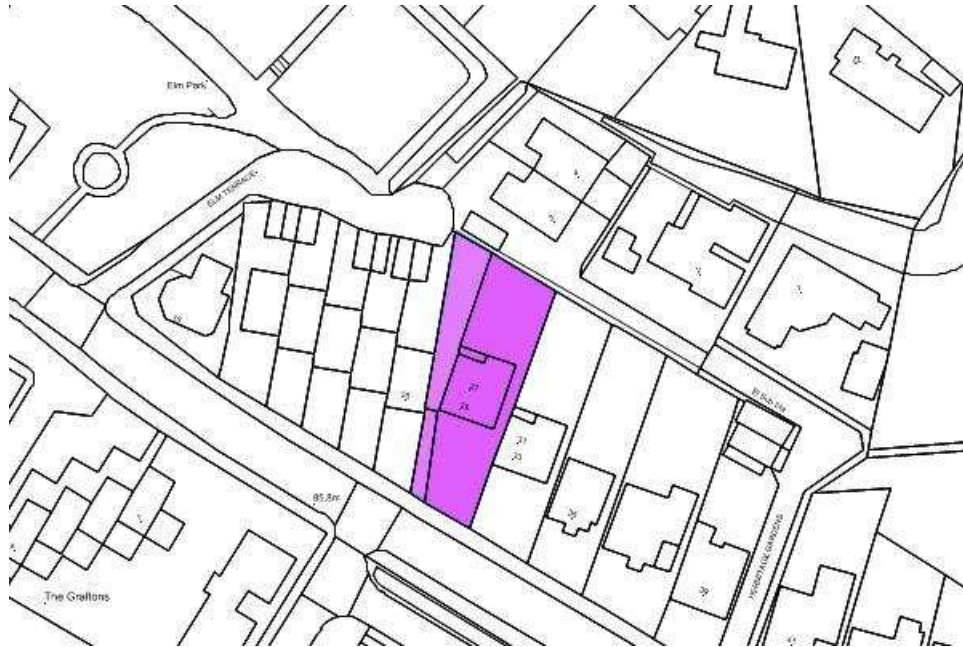
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 27-29 Hermitage Lane, London, NW2 2EY

**REFERENCE:** F/02492/14



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**LOCATION:** 23-25 Woodstock Road, London, NW11 8ES

**AGENDA ITEM 12**

**REFERENCE:** F/00683/14

**Received:** 06 February 2014

**Accepted:** 07 March 2014

**WARD:** Childs Hill

**Expiry:** 02 May 2014

**Final Revisions:**

**APPLICANT:** Noble House Ventures

**PROPOSAL:** Demolition of the existing buildings, and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 9 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces.

**Approve Subject to S106**

**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 **Highways (traffic order) £2000.00**  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 4 **Monitoring of the Agreement £100.00**  
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: F/00683/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 654-S01, 654-SS.01A, 654-SS.02A, 654-GA.01A, 654-GA.02A, 654-GA.03A, 654-GA.04A, 654-GA.05A, 654-GA.06A, 654-GA.07A, 654-GA.08A, 654-GA.09A, 654-GA.10A, 654-GA.11A, 654-SU.01, 654-SU.02, 654-SU.03, 654-SU.04,

654-SU.05, 654-SU.06, 654-SU.07, 654-SU.08, 654-SU.09, Code for Sustainable Homes, Planning Statement, Schedule of Accommodation.

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 occupation the approved development shall make provision of cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved in writing 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.

- 4 Prior to the commencement of development details of the layout of the front forecourt including the design and location of the proposed pedestrian access; refuse store; landscaping and parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that parking is provided in accordance with policies DM01 and DM17 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 and 7.6 of the London Plan 2011.

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

Reason:

To ensure that the 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.

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

Reason:

To safeguard the 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.

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

Reason:

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

- 8 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).

- 9 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.

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

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

Reason:

To ensure that the proposed development does not prejudice the amenities of



occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 14 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.

- 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).

- 16 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).

- 17 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. A vibration monitor shall be installed on site in accordance with details to be agreed with the Local Planning Authority to ensure compliance with British Construction Guideline standards.

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).

- 18 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).

- 19 Before the development hereby permitted is occupied, the outdoor amenity areas shall be implemented as indicated on plan S01A 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).

- 20 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.

- 21 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

- 22 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.

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

- 1 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](http://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 £20,213.20 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 £77,965.20 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 at: [cil@barnet.gov.uk](mailto: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](http://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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

### 2. 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.

### 3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 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.

### **RECOMMENDATION III:**

That if an agreement has not been completed by 3/10/2014, that unless otherwise agreed in writing, the Director of Development Management and Building Control should REFUSE the application F/00683/14 under delegated powers for the following reasons:

1. The development would require a section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the costs of amending the traffic order contrary to 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 (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 Londoner's 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:

<b>Application:</b>	Planning	<b>Number:</b>	F/00888/08
<b>Validated:</b>	26/06/2008	<b>Type:</b>	191
<b>Status:</b>	DEC	<b>Date:</b>	14/08/2008
<b>Summary:</b>	LW	<b>Case Officer:</b>	Alissa Fawcett
<b>Description:</b>	Retention of use of ground floor as two self-contained flats.		

**Site Address:** 23 Woodstock Road LONDON NW11  
**Application Number:** C08279F  
**Application Type:**  
**Decision:** Unlawful Development  
**Decision Date:** 13/11/1990  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Use as a Guest House (Established Use Certificate)**  
**Case Officer:**

**Site Address:** 23 Woodstock Road NW11  
**Application Number:** C08279  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 23/11/1983  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conversion to three self contained flats, two storey side extension, part single, part two storey rear extension, front side and rear dormer windows.**

**Site Address:** 23 Woodstock Road NW11  
**Application Number:** C08279A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 08/08/1984  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey front extension, basement and ground floor rear extension, dormer window and alterations, dustbin enclosure and two parking spaces and conversion to three self contained flats.**

**Site Address:** 23-25 Woodstock Road LONDON NW11  
**Application Number:** C08279B  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 20/04/1988  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Continued use as guest house, single storey rear extensions, two storey side extensions, and eight off-street parking spaces**

**Site Address:** 23 & 25 Woodstock Road LONDON NW11  
**Application Number:** C08279C



**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 16/11/1988  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Continued use as guest house, single storey rear extension to 25, two storey side extensions to 23 and 25 and seven parking spaces**

**Site Address:** 23-25 Woodstock Road LONDON NW11  
**Application Number:** C08279D  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 27/11/1990  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Residential development incorporating six flats on four floors with basement level swimming pool and car parking for 8 cars and new vehicular access.**

**Site Address:** 23-25 Woodstock Road LONDON NW11  
**Application Number:** C08279E  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/04/1991  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Residential development incorporating 6 flats on four floors with basement level swimming pool and car parking for 8 cars. New vehicular access.**

**Site Address:** 23-25 WOODSTOCK ROAD GOLDERS GREEN LONDON NW11  
**Application Number:** C08279G/99  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 31/05/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Ground and first floor side and rear extensions, loft conversion incorporating dormer windows to front, sides and rear to create five residential units.**

**Case Officer:** Clive Townsend

### **Enforcement Notices picked up in spatial search**

**Reference Name** PLG.4056.PJP/JM  
**Description** **Enforcement Notice served under Section 172 of the Town & country Planning Act 1990. (The making of a material change in the use of the premises, namely the commencement of the current use for multiple paying occupation).**

**Reference Name** BTP.20.1478.PZ/SW  
**Description** **Enforcement Notice served under Section 87 of the Town & Country Planning act 1971. (The making of a material change in the use of the premises, namely, the commencement of the present use for guest house purposes.)**

### Consultations and Views Expressed:

Neighbours Consulted: 83                      Replies: 34  
Neighbours Wishing To Speak 2

21 letters of objection were received. The objections raised may be summarised as follows:

- No other basements in Woodstock Road.
- Out of character.
- Building would be closer to the road.
- Water pressure in the street is insufficient and this will make the situation worse.
- Noise and disturbance from building works - in particular as other developments have been underway over the last few years.
- Lack of on-street parking.
- Woodstock Road was a quite family road this type of development is out of character and devaluing properties.
- The existing building adds to the character of the road.
- The street has an excess of commercial signage which detracts from the character and appearance.
- Overdevelopment..
- Proposal is a 33% increase in units; a 27% increase in the number of bedrooms and a 110% increase in floorspace.
- Insufficient parking

13 letters of support were received for the application. The points raised were as follows:

- Property is already flats and a new block would improve the appearance of the road.
- Current building is an eyesore and this will improve it.
- Woodstock Road needs more flats.
- Woodstock Road is mainly flats

#### Internal /Other Consultations:

- Thames Water Devt Control - No comments
- Traffic & Development - No objection subject to a S106 agreement preventing future residents from purchasing car parking permits
- Environmental Health - No objection subject to a number of conditions

Date of Site Notice: 27 February 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

23/25 Woodstock Road is a pair of semi detached properties located on the south side of Woodstock Road equidistant between the junctions with Armitage Road and Hodford Road. The property has been converted into six flats. The front garden of the property has been hardsurfaced and provides off street parking for approx 4 cars serviced by a dropped kerb. An all-day CPZ operates in the street. Levels rise from

the back edge of the footpath so that the front door is elevated above the street.

The surrounding area is predominantly residential although within close proximity of Golders Green Town Centre. The street is characterised by a mix of original houses; in-fill developments including purpose built blocks of flats. Property's are predominantly two storey although the majority of properties on this side of the road have had their roofs converted to accommodation through the use of front/ side and rear dormers.

The site has a PTAL of 6a.

### Proposal:

The application is for the demolition of the existing building and the erection of 1, three storey building, plus basement and rooms within the roofspace to provide 9 self contained flats and 4 off street parking spaces. Details of access; landscaping and refuse facilities have been submitted as part of the application.

The proposed 9 flats would provide 6 x two bed units and 3 x 3 bed units.

The GIA for each of the units are as follows:

#### *Ground and Basement*

Flat 1 (3 bed, 5 person) 187sqm

Flat 2 (3 bed, 5 person) 187sqm

#### *First Floor*

Flat 3 (2 bed, 3 person) 66sqm

Flat 4 (2 bed, 3 person) 75sqm

Flat 5 (2 bed, 4 person) 66sqm

#### *Second Floor*

Flat 6 (2 bed, 3 person) 66sqm

Flat 7 (2 bed, 3 person) 75sqm

Flat 8 (2 bed, 4 person) 66sqm

#### *Roofspace*

Flat 9 (3 bed, 6 person) 126sqm

The basement/ground floor flats would have the benefit of their own private amenity space immediately adjacent to the rear elevation. The first floor units would have a rear balcony and the remainder of the rear garden would provide a communal garden for the remaining units.

### 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 properties 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 0.09 hectares in size, proposes 9 flats with a total of 39 habitable rooms. The proposal for 9 flats would equate to a density of 100 units per hectare (433 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. Two of the proposed units (flats 5 and 8) would fail to meet this standard.

	<i>Size of Unit</i>	<i>Floorspace provided</i>	<i>Minimum space standard</i>
Flat 1	3 bed, 5 person	187 sqm	86sqm
Flat 2	3 bed, 5 person	187 sqm	86sqm
Flat 3	2 bed, 3 person	66 sqm	61sqm

Flat 4	2 bed, 3 person	75sqm	61sqm
Flat 5	2 bed, 4 person	66sqm	70sqm
Flat 6	2 bed, 3 person	66sqm	61sqm
Flat 7	2 bed, 3 person	75sqm	61sqm
Flat 8	2 bed, 4 person	66sqm	70sqm
Flat 9	3 bed, 6 person	126sqm	100sqm

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. This can be addressed by the use of a condition and therefore is not considered to form a sustainable reason for refusal.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> 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 the basement/ground floor duplex units which meet the outdoor amenity space standard. In addition, a communal rear garden of 288sqm 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) and is therefore acceptable.

Refuse bins are indicated to be provided at the back edge of the footpath either side of the pedestrian entrance. Details of the type of enclosure have not been provided. There are concerns about the proposed location of the bin stores and their impact (the bins for the current flats are stored on the sound boundaries) as they would form a prominent feature within the streetscene which if not treated carefully would be out of character. However, it is considered that through the use of a condition requiring the submission of further details this would not form a sufficient reason for refusal.

With regards to the provision of parking, the scheme provides 4 parking spaces. Council standards would require the provision of 10 to 14.5 parking spaces. However as the site is in a town centre location close to local amenities and public transport with a PTAL score of 6a on balance subject to a Section 106 agreement to amend the traffic order to exempt future residents from being able to purchase parking permits and a number of conditions the Highways Officers have raised no objections to the proposal.

For the reasons specified above, the proposal is not 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. The ridge height, bulk and style of roof are reflective of the immediately adjoining properties and therefore are not considered to be over dominant given its location.

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 neighborliness 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 have a similar rearward projection to the existing property with the upper floor stepped back from the boundary and it is therefore considered on balance to not adversely affect the amenity of adjoining properties to such a level as to warrant a refusal.

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.

The Highways department have advised that on-balance the application is acceptable on highways grounds subject to a number of conditions (including that one of the bays should be marked out for disabled parking) and a S106 agreement to exempt future residents from being able to purchase residents permits for the CPZ.

Environmental Health have advised that they have concerns about the impact of the construction of the proposed basement but consider that this could be addressed through the use of a condition and therefore subject to a number of conditions they have no objection to the proposal.

### **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 1<sup>st</sup> of May 2013. The proposal is liable for the increase



in floorspace which has an area of 577.52 sqm. Therefore, should the application be approved at appeal, the Mayoral CIL required is **£20,213.20** and the Barnet CIL required is **£77,965.20**.

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

The majority of these have been considered in the report. However, the following specific responses can be made:

- The lack of other basements in the vicinity of the site is not a material reason for refusal.
- Whilst the building would be marginally closer to the road than the existing property the building line would be respected and therefore the proposal is not considered to have an adverse impact on the streetscene.
- The impact on water pressure is not a material planning consideration.
- If Members are minded to approve the application a condition is recommended that would restrict the hours of working and manage the construction so as to minimise the impact on adjoining properties.
- 4 parking spaces are proposed in addition a Section 106 agreement is recommended to amend the traffic order to exempt future residents from purchasing parking permits on this basis Highways Officers do not object to the proposal.
- Woodstock Road is a mix of housing and flats and therefore the proposal is considered to reflect the character of the road. Impact on value is not a material planning consideration.
- The existing building is not listed and the site does not fall within a Conservation Area. In addition the property has been extended and altered. It is therefore considered that the loss of the building is acceptable.
- No commercial signage is proposed as part of the scheme.

### **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:** 23-25 Woodstock Road, London, NW11 8ES

**REFERENCE:** F/00683/14



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**LOCATION:** Hermes House, 1 Ridge Road, London, NW2 2QR  
**REFERENCE:** F/03313/14 **Received:** 19 June 2014  
**WARD(S):** Childs Hill **Accepted:** 17 June 2014  
**Expiry:** 12 August 2014

**Final Revisions:**

**APPLICANT:** Mazin Ltd  
**PROPOSAL:** Demolition of existing office building and erection of part three part two storey building to create 5 new B1 office units.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1970/01, 1970/02 Rev A & 1970/03 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 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 The premises shall be used for B1 Offices and no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country

Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

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

Reason:

To ensure that the 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.

- 6 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.

- details about the time/frequency and routing of construction vehicles and access/egress arrangements within the site;
- details about how access will be kept clear/ maintained during works;
- site preparation and construction stages of the development;
- details of contractors parking arrangements;

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).

- 7 Prior to commencement, further details, shall be submitted to and approved in writing by the Local Planning Authority. The details on:
- associated signs and markings, highlighting the disabled parking space is for visitors only
  - the parking space will not be used for any purpose other than parking and turning of vehicles in connection with this development
  - the users will not be charged.
  - details about how this parking space will be managed in practice and shared between the five proposed offices

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.

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

Reason:

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

- 9 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).

- 10 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.

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

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

Reason:

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

- 12 Prior to occupation the approved development shall make provision for cycle parking and cycle storage facilities in accordance with details submitted to and approved by the Local Planning Authority. The cycle parking 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.

#### **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 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 3 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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



achieve.

The 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.

- 4 Proposed new and reinstatement of the footway on the redundant crossover(s) will be subject to a detailed survey by the Crossover Team in Highways Group as part of the application for crossover, under Highways Act 1980. Works associated in this process will be carried out at the applicant's expense and will include all necessary works on the public highways as well as relocations of light columns, trees, street furniture etc. affected by the proposal. An estimate for this work could be obtained from London Borough of Barnet, NLBP Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

## 1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS6, CS8

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11, DM14, DM17

Supplementary Planning Document Sustainable Design and Construction (2013)

Relevant Planning History:

Case Reference: **F/03313/14**

**Application:** Planning **Number:** F/01531/14  
**Validated:** 20/03/2014 **Type:** APF  
**Status:** DEC **Date:** 15/05/2014  
**Summary:** REF **Case Officer:** Jo Dowling  
**Description:** Demolition of existing office building and erection of 1no. detached part two, part three storey building to provide 5 self-contained flats, including hard and soft landscaping, cycle store and refuse facilities.

**Application:** Planning **Number:** F/04714/13  
**Validated:** 14/10/2013 **Type:** APF  
**Status:** DEC **Date:** 06/12/2013  
**Summary:** REF **Case Officer:** Aahsanur Rahman  
**Description:** Construction of detached three storey building with communal roof terrace to provide 6 flats, following demolition of existing office building.

#### Consultations and Views Expressed:

Neighbours Consulted: 144 Replies: 5

Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- There are errors in the design and access statement.
- Loss of light.
- There is a large tree in the rear garden of one of the properties in Cricklewood lane which would be damaged by the proposal.
- On street parking is already a problem and this will make the situation worse.
- Five offices would be over-intensification.

#### Internal /Other Consultations:

- Environmental Health - No objection subject to a number of conditions
- Traffic & Development - No objection

Date of Site Notice: 03 July 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site features a two storey office building that is currently vacant. The site is located on the northern side of Ridge Road close to the junction with Cricklewood Lane. Levels drop steeply across the site from west to south. The site

is tightly constrained with the current property extending up to the boundary on all sides. The surrounding area is predominantly residential with a mix of housing styles and tenures.

#### Proposal:

The application proposes the demolition of the existing property and the erection of a part two, part three storey building to provide 5 B1 office units. The proposal would provide 1 off street parking space.

The proposed building would measure between 5.2m -9.1m high, 24.6m wide and 13.5m deep. The property would be constructed of a mix of render, yellow stock brick, cedar cladding and dark grey powder coated aluminium window frames.

No levels have been provided for the proposal.

#### Planning Considerations:

Planning permission for the demolition of the existing office building and erection of 1 no. detached part two, part three storey building to provide 5 self-contained flats, including hard and soft landscaping, cycle store and refuse facilities (our ref: F/01531/14) was recently refused planning permission and therefore the starting point when considering this application is whether the current proposal successfully addresses the previous reasons for refusal which were:

The applicant has failed to clarify the period for which the building has remained vacant and has not submitted any marketing information to demonstrate that there is no demand for B1 use on the site. Accordingly the proposed loss of B1 office use would fail to comply with Development Management policy DM14 (2012).

1. The applicant has failed to provide a legal agreement to ensure financial contributions are secured in order to mitigate against the potential harm from the proposed development on the highway. The policy DM17 (2012) and the council's Planning Obligations supplementary Planning Document.
2. The redevelopment of this site for 5 flats by reason of the number of units proposed results in unacceptable over-intensification of the site and a cramped form of development. The proposal does not accord with Policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Constriction SPD (2013).
3. The layout of the proposed flats would result in substandard accommodation for future occupiers of the unit contrary to policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Constriction SPD (2013).
4. The proposal fails to provide adequate standards of outdoor amenity space for occupiers of the flats contrary to Policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Constriction SPD (2013).

Considering each of these in turn:

**The applicant has failed to clarify the period for which the building has remained vacant and has not submitted any marketing information to demonstrate that there is no demand for B1 use on the site. Accordingly the proposed loss of B1 office use would fail to comply with Development Management policy DM14 (2012).**

The current application is to replace the existing building with a new building providing B1 (office) floorspace. Although the proposal would result in the overall loss of 13sqm (gross) of floorspace this equates to 3% of the existing floorspace. Furthermore, the proposal would continue to provide employment floorspace in accordance with Policy DM14. It is therefore considered that this reason for refusal has successfully been addressed.

**The applicant has failed to provide a legal agreement to ensure financial contributions are secured in order to mitigate against the potential harm from the proposed development on the highway. The policy DM17 (2012) and the council's Planning Obligations supplementary Planning Document.**

The current proposal is to replace the existing office building which has no off street parking with a marginally smaller replacement B1 floorspace with one off street parking space. In addition on-site cycle storage is proposed. It is therefore considered that this reason for refusal has successfully been addressed.

**The redevelopment of this site for 5 flats by reason of the number of units proposed results in unacceptable over-intensification of the site and a cramped form of development. The proposal does not accord with Policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Constriction SPD (2013).**

The current proposal is for B1 office space of a similar quantum to that which already exists on the site. The proposal is therefore not considered to result in an over development of the site and as a result it is therefore considered that this reason for refusal has been successfully addressed.

**The layout of the proposed flats would result in substandard accommodation for future occupiers of the unit contrary to policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Constriction SPD (2013).**

The current proposal is for office floorspace for which the Residential Design Guidance and Sustainable Design and Construction SPD are not applicable. It is therefore considered that this reason for refusal has been successfully addressed.

**The proposal fails to provide adequate standards of outdoor amenity space for occupiers of the flats contrary to Policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Constriction SPD (2013).**

As the current scheme is for replacement office floorspace amenity space is not required and it is therefore considered that this reason for refusal has successfully

been addressed.

The design of the proposed replacement building remains the same as for the previous residential scheme the only difference being that the proposed balconies to the upper floors have been omitted. The proposed building utilises the drop in levels across the site to minimise the bulk of the proposed building so the current proposal would be between 0.4-1m higher than the current building. As with the current building the built form would extend up to the boundary on all sides of the site. However, given its isolated opposition within the streetscene and the current building on this site this is considered acceptable. The proposal would also maintain the current relationship with adjoining properties and as a result the proposal is considered to accord with the requirements of Policies CS1 and DM01 of the adopted Local Plan.

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

The majority of these have been considered in the main report. However, the following specific responses can be made:

- The Design and Access statement has been amended to address the errors highlighted by objectors.
- Due to the increase in levels the adjoining properties in Cricklewood Lane are higher than the application site, in addition to which they are separated from the application site by their rear gardens. The current proposal would increase the height of the building by between 0.4-1m. It is therefore considered that the proposal would not result in a loss of light to these properties sufficient to warrant a refusal.
- The tree in the adjoining property is not protected.
- The current offices on the site have no off street parking. The proposal would result in a small loss of floorspace and the provision of one off street parking space. The proposal is therefore not considered to adversely impact on on-street parking provision.
- The current proposal would result in the loss of 13sqm of floorspace. The current building could be sub-divided into smaller units without the benefit of planning permission. The proposal is therefore not considered to result in an over-intensification of the use.

### **4. EQUALITIES AND DIVERSITY ISSUE**

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

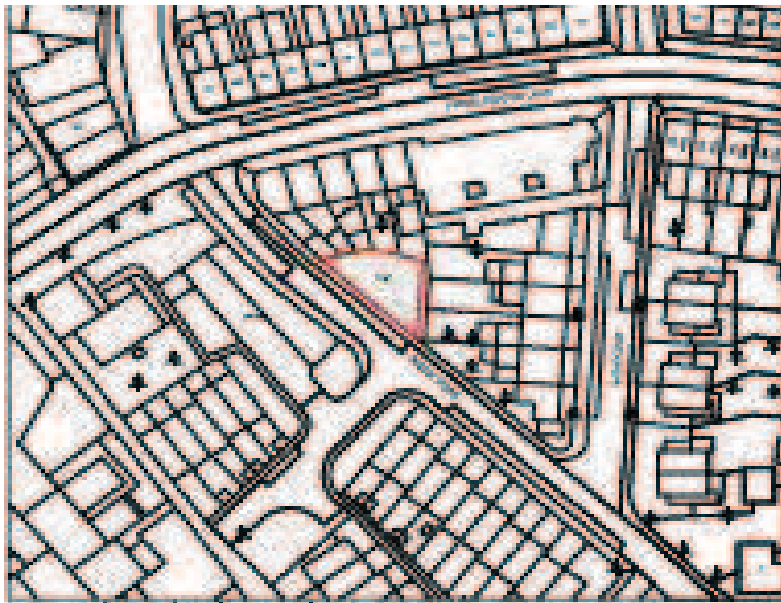
### **5. CONCLUSION**

The proposal would result in the re-provision of B1 (office) floorspace. As the proposal would no longer result in the loss of office floorspace or in the provision of residential accommodation. The previous reasons for refusal are considered to have been satisfactorily addressed. The proposal is therefore considered to accord

with Polices CS NPPF, CS1, DM01, DM14 and DM17 of the adopted Local Plan.  
Accordingly APPROVAL is recommended.

**SITE LOCATION PLAN: Hermes House, 1 Ridge Road, London, NW2 2QR**

**REFERENCE: F/03313/14**



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**LOCATION:** Ground Floor Flat, 69 Park Hall Road, London, N2 9PY  
**REFERENCE:** F/03911/14  
**WARD(S):** East Finchley

**AGENDA ITEM 14**  
**Received:** 21 July 2014  
**Accepted:** 21 July 2014  
**Expiry:** 15 September 2014

**Final Revisions:**

**APPLICANT:** Mr Frost

**PROPOSAL:** Ground floor part side part rear extension.

**RECOMMENDATION: Approve Subject to Conditions**

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

(PL)01 location plan; (PL)02 Block Plan; 1302\_(PL)03 Existing plans; 1302\_(PL)04 Proposed Plans; (PL)05 Existing and proposed elevations

**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 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).

- 6 The amenity space at the rear of the ground floor flat, as indicated on the plans hereby approved, is to be maintained in a usable and practical form.

Reason:

To safeguard the amenities of the residents of the ground floor flat 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).

#### **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.

### **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 11<sup>th</sup> 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

- Residential Design Guidance SPD (April 2013)
- Sustainable Design and Construction SPD (April 2013)

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

In respect to amenity, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Relevant Planning History:

**Site Address:** 69 Park Hall Road LONDON N2  
**Application Number:** C09828  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 16/03/1988  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** Conversion into three self-contained flats with two parking spaces at the rear

**Site Address:** Ground Floor Flat, 69 Park Hall Road, London, N2 9PY  
**Application Number:** F/01160/14  
**Application Type:** Householder  
**Decision:** Withdrawn  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** Single storey side and rear extension to existing ground floor self-contained unit.  
**Case Officer:** Kate denTeuling

### Consultations and Views Expressed:

Neighbours Consulted: 12 Replies: 2  
Neighbours Wishing To Speak 0

Two (2) letters of objection was received.

The application was requested to be determined at sub-committee by Cllr Arjun Kumar Mittra.

The objections raised may be summarised as follows:

There are inconsistencies between the design and access statement and the plans submitted

- Loss of garden space and amenity
- The original planning consent in 1988 included a condition relating to the provision of two parking spaces
- Loss of parking on the site would not be desirable with the CPZ in operation in the street, and there is considerable pressure on parking in this area
- Negative impact to biodiversity on the site
- Loss of outlook, open aspect and privacy – there would be a loss of outlook from the upper floor flats in no. 69 and a sense of vertical encroachment created by the proposal.
- Exacerbated sound travel and disturbance from the roof space adjoining the internal walls of the upper flat.
- Obstruction to emergency and building maintenance access
- The property is a converted house with flats on leasehold ownership, and there are legal obligations to maintain the house on a common basis. The development may complicate the legal ownership between the units.
- Drainage for the units. Currently located outside the ground floor kitchen wall and includes a man-hole in the rear corner of the building.
- The removal of the communal area at the side of the house. A direct access to the rear garden should be retained. The passage is a common area for the use of the three flats for all three flats for gas metres and storage.
- Impact on the character of the neighbourhood. The proposal will half close

the gap between the site and no. 71. The extension at the rear creates a haphazard visual impression that has a negative impact on community cohesion. The scale of the development fails to respect the proportions of the original house or its character and is visually overbearing.

- The application is made in the context of rapid house price inflation and demographic trends that put intense pressure on living space in the neighbourhood.
- Concerns that non-resident freeholders who are not directly affected by the development, gain an added value in the property
- The continued over development in N2 is bringing about parking problems with skips, builders vans and lorries in the area and the service road between Park Hall Road and Summerlee Avenue. We have had access to our garages and rear of our houses blocked for months since January only recently clearing. Fly tipping has been a continued nuisance.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is an end of terrace building containing three self-contained units. The site is located in the East Finchley ward.

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

### Proposal:

The application seeks consent for a ground floor part side part rear extension.

The side extension is proposed to be constructed in an 'z' shape which wraps around the ground floor. The extension to the ground floor kitchen is proposed to be 3.3m deep and 3.5m wide. The side extension to the office and bedroom is proposed to be 1.1m deep and 4.6m wide, and the rear extension for the formation of the new bedroom is proposed to be 2.7m deep and 4.4m wide.

The extension to the kitchen is proposed to be constructed to the boundary with no. 71 Park Hall Road, and the proposed extension to the rear is designed to align with the height and depth of the adjoining neighbour's rear extensions at no. 67.

Previous planning application C09828 (which was approved at appeal in 1988) included a condition relating to the provision of two (2) parking spaces at the site. Amended plans were submitted to retain the existing the single off street parking space at the rear of the property. The amended plans are the subject of this report.

### 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. It 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 rear and side ground floor extension will not give rise to any demonstrable loss to amenity to the occupants/ users in the neighbouring properties either above the site or to the site, by way of loss of light or loss of outlook, and is therefore acceptable on these grounds.

The subject site will have access to a suitable amenity space in size and shape that is usable and practical, measuring 8.6m long by 2.5-2.7m wide, providing 25.1sqm in area. This amenity space is consistent with council's policies. It is also subject to a development condition, requiring that the space remain open and in a usable form for the enjoyment for future residents.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwelling. 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 in the objections have been addressed in the report.

With regard to exacerbated noise between the flats, drainage and development management issues relating to lorries servicing development from the rear of the site, are matters that are addressed by Building Control, and are not matters of consideration at the Planning Application stage.

With regard to varying legal obligations and complications relating to leasehold and maintenance matters at the site, are matters which are civil and between owners, and are not planning matters of consideration.

The applicant advised in writing that the other residents of no. 69 Park Hall Road do have right of access to the side passage of the building for bin storage and meter access. This portion of the side passage is directly accessed from Park Hall Road

and is not impacted by the proposed development. In addition, it is advised that the lease requires the right of the freeholder to have access to the back of the building via the laneway that runs along the very bottom the garden, and this right of access will also be unaffected by the proposed extension.

With regard to house prices and matters relating to non-resident interest in the property, these are not planning matters of consideration.

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

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

#### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that 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:**  
**N2 9PY**

**Ground Floor Flat, 69 Park Hall Road, London,**

**REFERENCE:**

**F/03911/14**



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**LOCATION:** 67 Ballards Lane, London, N3 1XP

AGENDA ITEM 15

**REFERENCE:** F/03055/14

**Received:** 05 June 2014

**Accepted:** 06 June 2014

**WARD(S):** West Finchley

**Expiry:** 01 August 2014

**Final Revisions:**

**APPLICANT:** Coral Racing Ltd

**PROPOSAL:** Formation of replacement shop front, refurbishment of existing shop front decoration, installation of 2no. satellite dishes to rear elevation, with the Air Condition units replacing the existing.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 12/3813/01, 12/3813/02 Rev B. Received - 06/06/2014.

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 shall be as those mentioned in the Design and Access Statement (Received 06-June-2014).

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 level of noise emitted from the air conditioning units 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 any neighbouring property which existed at the time of this decision notice.

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 any existing neighbouring property at the time of this decision notice.

Reason:

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

- 5 Before development commences, a report shall be carried out by a competent acoustic consultant and submitted to the LPA 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 shall 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.

#### **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 applicant is 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.

## **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, DM03, DM04 & DM12.

Relevant Planning History:

**Site Address:** 67 Ballards Lane, London, N3 1XP  
**Application Number:** F/04296/12  
**Application Type:** Material Minor Amendment/Vary Condition  
**Decision:** Approve with conditions  
**Decision Date:** 07/01/2013  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation of Condition 1 (use class) pursuant to planning permission W06009 dated 20/04/77 for "Change of use of ground floor from retail shop to building society office branch ", variations include change to A2 open use class.**  
**Case Officer:** David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 153 Replies: 3(objections, 1 petition)

Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- The refurbishment to create a new betting shop would not benefit the community.
- Betting shops are known to create social problems.
- The fascia would not enhance the local high street.
- The satellite dishes would be unsightly.
- Objection to the conversion of the shop to a betting shop.

Internal /Other Consultations:

- Environmental Health - No objection subject to conditions.

Date of Site Notice: 10 July 2014

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The property is situated in Finchley Central Town Centre on the corner of Ballards Lane and The Grove.

### Proposal:

This application proposes the formation of a replacement shopfront, the installation of 2no. satellite dishes to the rear elevation and air conditioning units to replace the existing.

The two satellite dishes to the rear elevation would 90cm & 60cm in diameter. The air conditioning units would be located towards the rear of the property on an existing balcony, situated in the same position as the existing units. The shopfront alterations would include a replacement glass entrance door and insertion of new windows to the north east and south east elevations.

### Planning Considerations:

The main considerations are:

- The impact on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring residents
- Other material planning considerations

### The impact on the character and appearance of the property and surrounding area

The 2012 National Planning Policy Framework states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

In addition to the NPPF, Policy CS5 of the Core Strategy 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”*. In addition to this, Policy DM01 of the Council’s Development Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”*.

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

Policy DM04 states that proposals to locate development that is likely to generate

unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

The proposed works are considered to sufficiently maintain the character and appearance of the property and the surrounding area.

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

Mainly addressed in appraisal above.

The conversion of the premises into a betting shop is not part of this application.

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

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

### **5. CONCLUSION**

The proposals are considered not to adversely affect the amenity or character of the surrounding area and are therefore considered to accord with the NPPF, adopted and emerging policy and accordingly **APPROVAL** is recommended.

**SITE LOCATION PLAN:** 67 Ballards Lane, London, N3 1XP

**REFERENCE:** F/03055/14



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**LOCATION:** 57A Nether Street, London, N12 7NP

AGENDA ITEM 16

**REFERENCE:** F/02487/14

**Received:** 02 May 2014

**Accepted:** 19 May 2014

**WARD(S):** West Finchley

**Expiry:** 14 July 2014

**Final Revisions:**

**APPLICANT:** Mrs XIA

**PROPOSAL:** Erection of single storey front extension. Roof extension including 2no. side dormers to facilitate a loft conversion. External alterations with new windows and doors to front and side elevations {AMENDED DESCRIPTION}.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 63/01, 63/02B, 63/03B.

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 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).

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

- 1 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.

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

##### National Planning Policy Framework

The Mayor's London Plan: July 2011: 3.4, 3.5

##### Relevant Local Plan Core Strategy DPD (Adopted 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). The Core Strategy was adopted by the Council on September 11 2012.

CS NPPF, CS1, CS5.

##### Relevant Local Plan Development Management DPD (Adopted 2012) Policies:

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.

DM01, DM02, DM04, DM14, DM17

Local Plan Supplementary Planning Document Residential Design Guidance (2013) and Local Plan Supplementary Planning Document Sustainable Design and Construction (2013)

Following adoption of the Local Plan - Core Strategy (CS) and Development Management Policies (DMP) documents in September 2012, Barnet has one of the most up to date Local Plans in the country. In order to help implement the CS and DMP the Council adopted two supplementary planning documents (SPDs) following consultation.

Both SPDs complement each other, with the first one covering design aspects of all residential developments, whilst the second SPD concentrates on the technical and construction side of all developments.

One of these is the Residential Design Guidance Supplementary Planning Document (RDG SPD) which provides a clear and consistent message on how we manage change within Barnet's suburbs. The SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hardstandings and Vehicular Crossovers).

The Sustainable Design and Construction Supplementary Planning Document (SD&C SPD) was first published in 2007. Since 2007, alongside Barnet's Local Plan Core Strategy and Development Management Policies documents, the London Plan has also undergone a full review and the National Planning Policy Framework has been published. The current SPD has been updated to reflect this.

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	B/00257/14
<b>Validated:</b>	28/01/2014	<b>Type:</b>	PAH
<b>Status:</b>	DEC	<b>Date:</b>	28/02/2014
<b>Summary:</b>	PANR	<b>Case Officer:</b>	Prior Approvals Officer
<b>Description:</b>	Single storey rear extension, with a proposed depth of 5.16metres from the original rear wall, eaves height of 3metres and maximum height of 3metres.		
<b>Application:</b>	Planning	<b>Number:</b>	F/00305/14
<b>Validated:</b>	27/01/2014	<b>Type:</b>	PAD
<b>Status:</b>	DEC	<b>Date:</b>	21/03/2014
<b>Summary:</b>	PAG	<b>Case Officer:</b>	Denisse Celi
<b>Description:</b>	Change of use from B1 office to C3 residential (2 x 3 bed flats)		
<b>Application:</b>	Planning	<b>Number:</b>	F/00322/14
<b>Validated:</b>	27/01/2014	<b>Type:</b>	PAD
<b>Status:</b>	DEC	<b>Date:</b>	21/03/2014
<b>Summary:</b>	PAG	<b>Case Officer:</b>	Denisse Celi
<b>Description:</b>	Change of use from B1 office to C3 residential (3 Units)		
<b>Application:</b>	Planning	<b>Number:</b>	F/02202/12
<b>Validated:</b>	11/06/2012	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	07/09/2012

**Summary:** REF **Case Officer:** Junior C. Moka  
**Description:** Demolition of existing two storey building and erection of three storey building to accommodate 9no self-contained residential units. Associated disabled parking space.

**Application:** Planning **Number:** F/02487/14  
**Validated:** 19/05/2014 **Type:** S73  
**Status:** PDE **Date:**  
**Summary:** REF **Case Officer:** Tassama Amlak  
**Description:** Erection of single storey front extension. Roof extension including 2no. side dormers to facilitate a loft conversion. External alterations with new windows and doors to front and side elevations {AMENDED DESCRIPTION}.

**Application:** Planning **Number:** F/04328/12  
**Validated:** 30/11/2012 **Type:** APF  
**Status:** DEC **Date:** 11/04/2013  
**Summary:** REF **Case Officer:** James Stone  
**Description:** Change of use from B1 to residential including ground floor front extension, partial demolition and creation of new entrance and terrace to side elevation. Alterations to ground and first floor fenestration. Extension to roof including new mansard roof to facilitate 4no. self-contained units..

**Application:** Planning **Number:** F/04614/13  
**Validated:** 11/10/2013 **Type:** APF  
**Status:** DEC **Date:** 06/12/2013  
**Summary:** REF **Case Officer:** James Stone  
**Description:** Change of use from office to residential including demolition works and extensions to create 3 flats. Provision of 3 parking spaces and other ancillary works.

#### Consultations and Views Expressed:

Neighbours Consulted: 31 Replies: 8  
Neighbours Wishing To Speak: 3

The objections raised may be summarised as follows:

- Proposal contrary to the Local Plan.
- The site is in a non-residential use and any change to this raises concerns.
- Overlooking and loss of privacy.
- Proposal will result in overdevelopment of site from a two storey office to a three flat unit with roof extension.
- Noise and disturbance.
- On-street parking already an issue and this will increase the problem (previous applications have been refused for lack of parking).
- Loss of light as loft conversion will increase the height of the building.
- The proposed access to flats 1 and 2 is a private access and not owned by the applicant and it cannot therefore be closed off as shown on the plans.
- If allowed the proposal will convert this from a private to a public access which will result in loss of privacy.
- Request that a condition be attached to replace the boundary fence.
- Prior approval has been granted to convert the premises to residential.
- The proposal will result in the loss of employment floorspace contrary to Policy DM14.

- The proposed dormers would be out of character and contrary to Policy DM01.
- Proposal will result in substandard accommodation.
- The proposed density is contrary to London plan Policy.
- If approval is to be granted the applicant should make a contribution towards open space improvements as the site is within an area of deficiency.
- Proposed extensions are unnecessary for an office building.
- The applicant in previous applications to convert the property to residential has argued that it is un-lettable as offices – if this is the case then why are they now proposing to extend it?
- Information submitted is contradictory and conflicting. There is no design and access statement which makes it difficult for residents to understand what is proposed.
- Proposal would be obtrusive and overbearing.
- The proposal does not provide sufficient amenity/garden space.
- Loss of a tree.

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

57A Nether Street is a detached two storey building located on the north side of Nether Street close to the junction with Birkbeck Road. The property is currently vacant but was last used as offices (Use Class B1).

### Proposal:

The application when originally submitted was for the erection of a single storey front extension. Roof extension including 2 no. side dormers to facilitate a loft conversion. External alterations with new windows and doors to front and side elevations.

Since the application was submitted the plans have been amended and the roof extension and roof terrace over the ground floor front extension have now been omitted from the plans.

The proposed ground floor front extension would be 3m deep; 6.7m wide and 3m high. The extension would have a flat roof and would extend forward the existing side elevation adjacent to no. 55 Nether Street but would be set between 2.5-3.2m off the side boundary with no. 59 Nether Street.

In addition the proposal would insert two new doors and two new windows at ground floor in the side elevation facing No. 59 Nether Street. The windows at first floor would remain as existing. There would be no changes in the rear elevation or the

side elevation facing No. 55 Nether Street. Two new windows are proposed at first floor in the front elevation.

The application shows the building remaining as an office.

### Planning Considerations:

The main considerations are as follows:

- Impact of the proposed extension on the streetscene
- Impact of the proposed alterations to the amenity of adjoining residents.

Nether Street is characterised by two storey terraced Edwardian properties. However, both the application site and the adjoining building (No.55) are of a different design and mass. 57A is a two storey gable fronted property which is set 5m back behind the front building line of both the adjoining properties. The proposal is for the creation of a small single storey flat roofed front extension which would bring the front building line of the property forwards 3m. The proposed extension has been designed to reflect and respect the design of the existing building and is considered to accord with current council guidelines and policy DM01 of the adopted Local Plan.

The proposed elevational alterations are considered to reflect and respect the design of the existing building in terms of size and scale of opening. Whilst the proposed elevational alterations in the side elevation are at ground floor there is a drop in levels between the application site and the adjoining property No. 59, in order to address concerns regarding overlooking and loss of privacy if Members are minded to approve the application then a condition requiring a 1.8m high fence to be erected along the boundary is considered to address this issue. The proposed new windows in the front elevation would reduce the current four windows to two which would line through with those proposed in the ground floor front extension. These changes are considered to enhance the appearance of the building in accordance with current council guidelines and policy DM01 of the adopted Local Plan.

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

Some of these have been considered in the appraisal. However, the following additional comments can be raised:

- The application is not for a change of use. The existing and proposed plans show the building as an office and it is on this basis that the application is being considered. The proposal will therefore not result in the loss of any office floorspace and is in accordance with Policy DM14 of the adopted Local Plan.
- The application is for a small extension. The application is not for a change of use. The existing and proposed plans show the building as an office and it is on this basis that the application is being considered. The proposal will

therefore not result in the loss of any office floorspace and is in accordance with Policy DM14 of the adopted Local Plan.

- The application is for a small extension which would increase the floorspace at the site by 20sqm. The proposal is therefore not considered to result in additional parking pressure.
- The proposed increase in floorspace is not considered to result in an intensification of the use that would lead to an increase in noise and disturbance to such a level as to warrant a refusal.
- The loft conversion has been omitted from the plans and as a result the building will not increase in height. The proposal is therefore not considered to result in loss of light.
- The use of the accessway is a civil matter and not a material planning consideration. The proposed new doors are within an existing wall which is in the ownership of the applicant.
- A boundary fence condition is recommended if Members are minded to approve the application.
- The application is for an extension to existing office floorspace therefore concerns about substandard accommodation; amenity space and density are not material to the determination of this application.
- As the application is for a 20sqm extension a Design and Access Statement is not required. The plans have been amended.
- The trees are at the rear of the premises and would not need be affected as a result of the current proposals which are to the front and side of the property.

#### **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 this proposal complies with the Adopted Barnet Local Plan, London Plan and National Planning Policy Framework policies. This application is therefore recommended for approval.

**SITE LOCATION PLAN:** 57A Nether Street, London, N12 7NP

**REFERENCE:** F/02487/14



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**LOCATION:** Chalgrove Primary School, Chalgrove Gardens, London, N3  
3PL **AGENDA ITEM 17**  
**REFERENCE:** F/03457/14 **Received:** 28 June 2014  
**Accepted:** 27 June 2014  
**WARD(S):** Finchley Church End **Expiry:** 22 August 2014

**Final Revisions:**

**APPLICANT:** Estates

**PROPOSAL:** Construction of new detached classroom block.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 14-6728-02 rev A, 14-6728-01 rev B.

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 on the existing demountable classroom.

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 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).

- 5 A review of the School TRavel Plan shall be submitted to and approved in writing by the Local Planning Authority in the Summer term of the first occupation of the new building and thereafter on a bi-annual basis. The review will need to revise targets and action plans in line with increases in the number of pupils. The use shall be carried out in accordance with the School Travel Plan as approved.

Reason:

To encourage the use of sustainable forms of transport to the site and in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Barnet's Local Plan Policy CS9 of Core Strategy (adopted) September 2012 and Policy DM17 of the Development Management Policies (adopted) September 2012.

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

- 1 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.

### **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Core Strategy Policies: CS NPPF, CS1

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM17

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	C/01515/R/01
<b>Validated:</b>	31/08/2001	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	07/11/2001
<b>Summary:</b>	APC	<b>Case Officer:</b>	Clive Townsend
<b>Description:</b>	Side extension to form new special educational needs unit.		

<b>Application:</b>	Planning	<b>Number:</b>	C/01515/S/03
<b>Validated:</b>	05/03/2003	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	18/06/2003

<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	Erection of demountable classroom.		
<b>Application:</b>	Planning	<b>Number:</b>	F/05341/13
<b>Validated:</b>	19/05/2014	<b>Type:</b>	S63
<b>Status:</b>	DEC	<b>Date:</b>	14/07/2014
<b>Summary:</b>	APC	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Retention of change of use of school cottage to storage building.		

Consultations and Views Expressed:

Neighbours Consulted: 156    Replies: 6  
 Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Existing parking problems will be exacerbated.
- Increase in traffic
- Noise and disturbance.
- Loss of privacy.
- Cars park on the pavement due to the narrowness of the surrounding roads which are causing the paving slabs to break.

Internal /Other Consultations:

- Traffic & Development – The proposal is for a new modular classroom. No changes are proposed to existing access arrangements.

The school currently has 210 pupils and 22 staff. The proposed new classroom will result in an increase of 30 pupils and 1 additional member of staff.

The current school travel plan has been approved by Transport for London. School travel plan targets are reviewed annually. The next review of the school travel plan will take into account the trips generated by the increase in pupils and staff.

The proposal is not expected to have a detrimental impact on the public highways.

No objection.

Date of Site Notice: 10 July 2014

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

Chalgrove Primary School is located at the end of the Chalgrove Gardens which is a

cul-de-sac. The site is approximately 2.5 hectares. The school is in Finchley Church End Ward. The school is currently a 1 Form Entry local authority non-selective school (i.e. 1 class in each year drawn from the local catchment area). The school has capacity for 210 pupils.

The school buildings extend to one storey in height and are located to the north of the site closest to the residential properties on Chalgrove Gardens. The playground and playing fields are situated to the rear of the school buildings and they cover over half of the site. Levels drop from front to rear of the site.

The site is surrounded by residential properties on all sides. The properties are two storey and predominantly detached

The site has a PTAL of 2.

### Proposal:

The application is for the erection of a single storey detached demountable classroom block. The proposed building would be located to the east side of the main school building and would line through with the front elevation of the existing school buildings. It would be located in front of an existing demountable classroom.

The proposed building would be 14m long; 7.2m wide and 2.7m high to the eaves and 3.3m high to the ridge. The building would provide an additional classroom and small group room. The building would be located 6m from the side elevation of the existing school and 20m from the rear boundary of the properties in Fairholme Gardens. The nearest adjoining residential property would be number 33 Fairholme Gardens which is approximately 40m distant from the proposed building. There are a number of mature trees on the boundary with Fairholme Gardens.

### Planning Considerations:

#### *Character and Appearance*

The proposed new classroom is not considered to have a detrimental impact on the character and appearance of the site or the general locality as the design of the building mirrors an adjoining classroom which it would be located next to. Due to their size and location, the buildings are not considered to have a detrimental impact on the character and appearance of the street scene as they would be set approx. 50m back from the front entrance and would be viewed in the context of the existing school buildings.

The new building would be located on a grassed area to the side of the existing school and would therefore have no impact on playground or playing field provision.

#### *Residential Amenity*

Due to the nature of the development and considering the size and location of the proposed building and set off from the boundary, the proposal is not considered to have a detrimental impact on the amenities of neighbouring properties in terms of loss of light or loss of outlook. The proposed new unit is not considered to be overbearing or obtrusive. The proposed new classroom would be located 20m from

the boundary with the nearest adjoining residential property in addition to which there are a number of mature trees along this boundary which would screen the new building. Furthermore the school site is considered large enough to accommodate extensions of the nature proposed without appearing cramped or unduly bulky.

Windows and doors are proposed along the elevations of the buildings. However, due to their location and distance from the neighbouring properties it is not considered that the new classroom will have a detrimental impact on the amenities of the neighbouring properties in terms of overlooking or loss of privacy.

### *Traffic, Access and Parking*

The majority of concerns raised by neighbouring residents relate to traffic, access and parking on the site.

It is acknowledged that at peak times (when children are being dropped off and collected from school) there are concerns with congestion and inconsiderate parking by parents. Whilst these concerns are acknowledged, the proposed addition of 1 extra class is not considered to significantly worsen this situation. The school is a local authority non-selective community primary school which draws its pupils from a very local catchment area with the majority of students living within 1 mile of the school.

Given that the majority of school sites are located primarily within residential areas the problems are difficult to resolve, however, the school has a travel plan in place which attempts to improve parking and congestion and encourage sustainable modes of travelling to school. Since the travel plan was introduced the percentage of pupils travelling by car has reduced from 59% in 2008 to 57% in 2009. The travel plan was last updated in 2010 and if members are minded to approve the application a condition requiring the updating of the travel plan to include the new bulge year is recommended.

The additional classroom is not considered to exacerbate existing parking and congestion problems to such a level as to warrant a refusal on highways grounds.

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

These have been addressed in the main report.

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

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The council have considered the above act but do not believe that the application would have a significant impact on any of the groups as noted in the Act.

## 5. CONCLUSION

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

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

**SITE LOCATION PLAN:**  
London, N3 3PL

**Chalgrove Primary School, Chalgrove Gardens,**

**REFERENCE:**

**F/03457/14**



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**LOCATION:** Gloucester House, 150 Woodside Lane, London, N12  
8TP

**REFERENCE:** B/00551/14

**Received:** 31 January 2014

AGENDA ITEM 18

**Accepted:** 16 May 2014

**WARD(S):** Woodhouse

**Expiry:** 11 July 2014

**Final  
Revisions:**

**APPLICANT:** Mr S Hamid

**PROPOSAL:** Variation to 106 contributions pursuant to planning permission F/01620/11 dated 2/12/11 for "Use of ground floor as Montessori nursery school (D1 use). Alterations to car park layout to provide walkway access to school entrance. Associated internal alterations". Variation includes amendments to S106 agreement dated 2 December 2011

### **RECOMMENDATION:**

#### **Approve deed of variation to S106 agreement dated 2<sup>nd</sup> December 2011**

That the applicant and any other person having a requisite interest be invited to vary the agreement into a planning obligation under section 106 of the Town and Country Planning Act 1990 dated 2<sup>nd</sup> December 2011 for the purposes of securing the following:

1. Paying the council's legal and professional costs for varying 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 Local Planning Authority;
3. **Open Spaces (Borough wide) £20,000.00**  
A contribution towards the improvement of Open Space in the London Borough of Barnet.
4. **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 of £5000 towards the Council's costs of monitoring the implementation of the Travel Plan.
5. **Monitoring of the Agreement £1,250.00**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

### **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 Planning History:

Application:	Planning	Number:	F/00554/11
Validated:	01/02/2011	Type:	APF
Status:	WDN	Date:	05/04/2011
Summary:	WIT	Case Officer:	David Campbell

Description: Use of ground floor as Montessori nursery school (D1 use). Removal of 6no parking bays to use as external play area and landscape alterations including perimeter fencing and planting and erection of 2no canopies. Associated internal alterations and insertion of door to rear elevation to create access to

proposed external play area.

Application:	Planning	Number:	F/01620/11
Validated:	08/04/2011	Type:	APF
Status:	DEC	Date:	02/12/2011
Summary:	APL	Case Officer:	David Campbell

Description: Use of ground floor as Montessori nursery school (D1 use). Alterations to car park layout to provide walkway access to school entrance. Associated internal alterations.

#### Consultations and Views Expressed:

Neighbours Consulted: 95      Replies: 1  
Neighbours Wishing To Speak: 0

The objections raised may be summarised as follows:

- The nursery has erected a fence in their car park which is causing vehicles to drive into the adjoining block of flats parking area which is causing noise and disturbance.

Date of Site Notice: 22 May 2014

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The application site is a two storey building comprising of mainly medical uses on the upper floors, with the ground floor (the subject of this application) which is currently occupied by MACE Montessori nursery school. The premises are located in Woodside Lane, with nearby residential dwellings including flats to the side and rear of the building. The site does not fall within a conservation area.

#### Proposal:

The proposal relates solely to the provisions for planning contributions with the S106 planning agreement as it relates to MACE Montessori School, Gloucester House, 150 Woodside Lane.

The subject deed of variation seeks to vary the planning agreement to delete the financial contributions required in relation to play equipment maintenance (£12,000) and reduce the contribution to open space provision and monitoring.

#### Planning Considerations:

#### **Nature of Application – Legislative and policy framework**

Section 106A (3) provides the ability to apply for the obligation:

*“(a) to have effect subject to such modifications as may be specified in the application; or  
(b) to be discharged.”*

The procedure to be followed is set out in the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

An application may be determined in one of three ways:

*“(a) that the planning obligation shall continue to have effect without modification;  
(b) if the obligation no longer serves a useful purpose, that it shall be discharged; or  
(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.”*

The modifications specified in the application must be considered in their entirety. It is not possible to approve an application by accepting some modifications but rejecting others. In this case the application seeks to remove the financial contributions in relation to play equipment maintenance in their entirety and to reduce the contributions to open space provision and monitoring.

### **Key Considerations**

The key consideration of section 106A is whether or not the obligation serves a useful purpose.

There are no further planning regulations or guidance about how this is assessed. The National Planning Policy Framework (NPPF) does state that where obligations are being revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planned development being stalled.

Section 106A of the 1990 Act does not require that regard is to be had to the development plan for the purposes of determining an application or appeal in respect of the proposed modification or discharge of a planning obligation.

### **Current S106 provision**

The current S106 agreement provides for the following obligations:

- £12,000 - Play Equipment Maintenance Fee (20 years)
- £5,000 - Travel Plan Contribution
- £60,000 - Open Space Provision
- £2,400 - Monitoring contribution

### **Planning Purpose of the modification.**

The purpose of the modification is to remove the contribution for play equipment maintenance and reduce the contributions to open space provision and monitoring.

The nursery is located in the ground floor of Gloucester House and due to the restrictions on the site there is no external play space. When the application was originally submitted the applicant intended to use Swan Lane Open Space which is directly adjacent to the site for outside play for the children at the nursery. As a result consent was granted on the basis that there would be financial contributions towards the open space and maintenance of the play equipment within the park. These were secured through the current S106 agreement.

The nursery school has now been operational for a number of years and due to lower numbers of children than originally envisaged and safeguarding issues for children using the public open space the applicant has not used the adjoining open space as originally envisaged. Due to the lower numbers attending the nursery they are able to meet the majority of the play needs of the children within the building. Furthermore, the requirement to pay these charges is placing a financial burden on the business which if the Council enforce payment will result in the business closing.

The proposed modification is considered to serve a useful planning purpose. The intent of the previous applications was to enable the use to provide external play, however in implementing the consent and starting the business access to external play space is not required at the level originally envisaged and therefore the contributions no longer meet the test for obligations as they do not fairly and reasonably relate to the development.

The proposal is to delete the contribution for the play equipment maintenance fee (as the play equipment within the park is designed for use by older children and therefore not used by the nursery) and to reduce the contribution to open space provision from £60,000 to £20,000 which is considered to more accurately reflect in scale and kind the occasional use of the adjoining open space by the nursery. As the monitoring contribution is worked out as a percentage of the total contributions this needs to be reduced to £1,250.

Therefore the, S106a variation is recommended for approval.

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

The objections received are to do with parking problems and do not relate to the proposal to vary the S106.

### **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 s106a variation application to reduce the financial contributions for open space provision (£60,000 to £20,000) and monitoring (£2,400 to £1,250) and remove the play equipment maintenance (£12,000) are considered to serve a useful planning purpose and is therefore recommended for approval.

**SITE LOCATION PLAN: Gloucester House, 150 Woodside Lane,  
London, N12 8TP**

**REFERENCE: B/00551/14**



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**LOCATION:** St Judes Church Rooms, Central Square, London, NW11 7AH  
**REFERENCE:** F/03595/14  
**WARD(S):** Garden Suburb

**AGENDA ITEM 19**  
**Received:** 04 July 2014  
**Accepted:** 22 July 2014  
**Expiry:** 16 September 2014

**Final Revisions:**

**APPLICANT:** The Trustees of the Central Square Minyan

**PROPOSAL:** Enclosing of rear terrace at ground floor level with new windows, steel bulastrading & new external stairs. Changes to windows and doors to front and rear elevations. Construction of a new basement level

**RECOMMENDATION: Approve Subject to Conditions**

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

12.099 100; 12.099 002; 12.099 102 Rev G; 120.099 103 Rev H; 12.099 104 Rev D; 12.099 105 Rev B; 12.099 106 Rev E; 120.99 107 Rev E; 12.099 108 Rev F; 12.099 109 Rev C; 001 A; 002 B; 003 B; Planning Statement

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 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).

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

- 1 This application does not give consent for any play area within the curtilage of the Church Rooms building.
- 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.

## **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, 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 Guide (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:

None

#### Consultations and Views Expressed:

Neighbours Consulted:	27	Replies:	6
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

- no objection to the building remaining as currently used
- object to any change of use resulting in more activity
- object to any potential noise and disturbance
- impact on parking and traffic
- basement works started without consent
- over use of the building

- trees and green setting must be retained
- proposals imposing
- object to basement accommodation.

Internal /Other Consultations:  
HGS CAAC - No objection

Date of Site Notice: 31 July 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is located on the opposite side of Central Square within Area 1 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a single storey hall building, ancillary to the main St Jude's Church across the road, also on Central Square.

The existing building holds no designation.

The adopted Conservation Area Character Appraisal notes;

*"Central Square is dominated by the Free Church, St. Jude's Church and The Institute. The formal layout provides open, green space between the buildings to afford unrestricted views of the architecture. While Central Square has never been the major community recreational centre that was originally envisaged, it does get regular, limited use by families with small children because it is flat, open and safe from traffic.*

*The grassed area with symmetrical ornamental flower beds and a central tree lined path is surrounded by tarmac footpaths and many benches. However, insufficient drainage and water logging adversely affect plants and trees. Poor maintenance has led to overgrown hedges, untidy flower beds and grass edges. The lime trees have been neglected, left to grow out of control and now hide the buildings in the summer. This area does not reflect Lutyens' original design for a formal garden to complement the buildings."*

### Proposal:

This application seeks consent for the enclosure of the rear terrace at ground floor level with new windows, balustrading and external stairs.

Changes to fenestration are proposed to both the front and rear elevations. A new basement level is also proposed under the main building.

It should be noted that all elements other than the proposed basement accommodation received planning consent in 2012 under reference F/01550/12.

### Planning Considerations:

The main issue in this case is whether or not the proposed replacement dwelling would be a visually obtrusive form 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.

As detailed above the proposed enclosure of the rear terrace at ground floor level with new windows, balustrading and external stairs, as well as the proposed changes to fenestration to both front and rear elevation have already been given consent in an earlier application. It is not considered that there have been any policy changes in this time to warrant a different decision.

The new element of this application is the provision of basement accommodation to provide additional storage. As the basement is proposed solely under the footprint of the existing building with no external manifestations it is not considered to give rise to any loss of amenity to neighbouring occupiers and the character and appearance of this part of the Conservation Area will be maintained. As such there is no objection to this element of the proposals.

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 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, conservation area and area of special character.

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

The comments on grounds of objection regarding the use of the building as a nursery are noted. However, the planning application seeks consent solely for external alterations and basement accommodation, not the use. The building was granted a lawful development certificate for use as a nursery in 2007 under reference C06696S/07. Therefore, it is considered that the points of objections raised on against this application relating to use of the building are not considered sufficient to constitute a reason for refusal.

### **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.

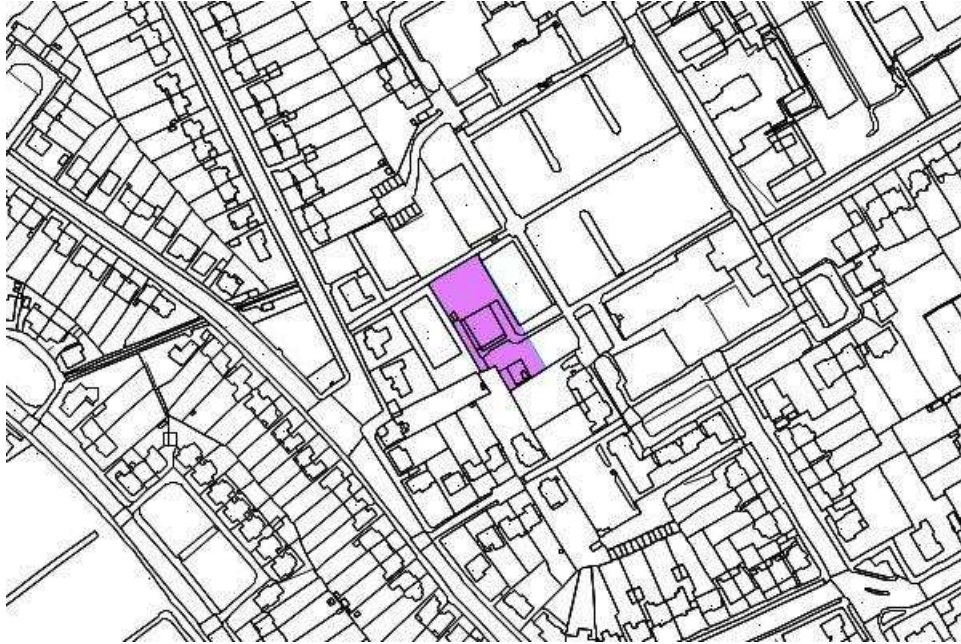
### **5. CONCLUSION**

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the 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:**            **St Judes Church Rooms, Central Square,**

**London, NW11 7AH**

**REFERENCE: F/03595/14**



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