

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 21ST OCTOBER, 2014**

**AT 7.00 PM**

**VENUE**

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

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

Chairman: Eva Greenspan  
Vice Chairman: John Marshall

**Councillors**

Jim Tierney	Arjun Mitra	Melvin Cohen
Jack Cohen	Alan Schneiderman	

**Substitute Members**

Graham Old	Reuben Thompstone	Ross Houston
Gabriel Rozenberg	Shimon Ryde	Alon Or-bach
		Anne Hutton

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

**Andrew Nathan – Head of Governance**

Governance Services contact: Kirstin Lambert 0208 359 2177  
Kirstin.lambert@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

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3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
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5.	Public Comments and Questions (If any)	
6.	Members' Items (If any)	
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# Decisions of the Finchley and Golders Green Area Planning Committee

3 September 2014

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)  
Councillor John Marshall (Vice-Chairman)

Councillor Jack Cohen  
Councillor Arjun Mitra  
Councillor  
Alan Schneiderman

Councillor Melvin Cohen  
Councillor Jim Tierney

Also in attendance

Apologies for Absence

## 1. MINUTES OF LAST MEETING

The minutes of the meeting of 28 July 2014 were approved as a correct record.

## 2. ABSENCE OF MEMBERS (IF ANY)

There were none.

## 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Members declared the following interests:

Councillor	Agenda item	Interest
Arjun Mitra	Gloucester House, 150 Woodside Lane, London N12 8TP (B/00551/14)	Pecuniary as Councillor Mitra's mother owns a nursery 3 miles away. Councillor Mitra noted he would leave the room for consideration of this item.
Arjun Mitra, Alan Schneiderman and Jim Tierney	The Castle, 452 Finchley Road, London NW11 8DG	Non-pecuniary, as the Councillors previously campaigned for the premises to be retained as a pub.

## 4. REPORT OF THE MONITORING OFFICER (IF ANY)

There was none.

## 5. PUBLIC COMMENTS AND QUESTIONS (IF ANY)

There were none.

**6. MEMBERS' ITEMS (IF ANY)**

There were none.

**7. ERUV**

The Committee noted the receipt of the additional information as set out in the addendum.

The Committee heard oral representations from Mr Spencer Levine and Ms Sue Wilder, objecting to the application, and the applicant.

Votes were recorded as follows:

Approval	7
Against	0
Abstentions	0

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

**8. 20 PARK AVENUE, LONDON, NW11 7SJ - F/02989/14**

The Committee noted the receipt of the additional information as set out in the addendum.

Votes were recorded as follows:

Approval	5
Against	1
Abstentions	1

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

**9. BRONDESBURY CRICKET TENNIS AND SQUASH CLUB, 5A HARMAN DRIVE, LONDON, NW2 2EB - F/02788/14**

The Committee noted the receipt of the additional information as set out in the addendum.

The Committee heard oral representations from Mr Peter Bellman and Mr Graham Barber objecting to the application, and the applicant.

Following discussion, the Chairperson;

**RESOLVED** to refer the application to the Planning Committee for decision.

**10. THE CASTLE, 452 FINCHLEY ROAD, LONDON, NW11 8DG - F/03607/14**

The Committee noted the receipt of the additional information as set out in the addendum.

Councillor Arjun Mittra, Councillor Alan Schneiderman and Councillor Jim Tierney abstained from voting on the application.

Votes were recorded as follows:

Approval	3
Against	1
Abstentions	3

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

**11. 27-29 HERMITAGE LANE, LONDON, NW2 2EY - F/02492/14**

The Committee noted the receipt of the additional information as set out in the addendum.

The Committee heard oral representations from Mr Huang objecting to the application, and the applicant.

Votes were recorded as follows:

Approval	4
Against	1
Abstentions	2

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

**12. 23-25 WOODSTOCK ROAD, LONDON, NW11 8ES - F/00683/14**

The Committee noted the receipt of the additional information as set out in the addendum.

The Committee heard oral representations from Dr Bernadette Loughnan objecting to the application, and the applicant.

Votes were recorded as follows:

Approval	3
Against	4

Abstentions	0
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**RESOLVED TO REFUSE** the application (being a reversal of Officer's recommendations) for the following reasons:

Reasons for refusal:

1. The proposed development, by reason of the number of units and increased floorspace would result in an overdevelopment of the site to the detriment of the character of the street contrary to policy DM01 of the Barnet Local Plan Development Management Policies (Adopted) 2012 and the Residential Design Guidance SPD 2013.
2. The units, by reason of their size would provide sub-standard accommodation to the detriment of the amenity of future occupiers contrary to policy DM01 and DM02 of the Barnet Local Plan Development Management Policies (Adopted) 2012 and the Sustainable Design and Construction SPD 2013.
3. 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.

Informatives:

1. The plans accompanying this application are: 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.
2. In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, 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 applicant sought formal pre-application advice which was provided. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.
3. This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to the appeal process itself:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £20,213.20 payment under Mayoral CIL at this time.



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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £77,965.20 payment under Barnet CIL at this time.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [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: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

### 13. HERMES HOUSE, 1 RIDGE ROAD, LONDON, NW2 2QR - F/03313/14

The Committee noted the receipt of the additional information as set out in the addendum.

Votes were recorded as follows:

Approval	7
Against	0
Abstentions	0

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

### 14. GROUND FLOOR FLAT, 69 PARK HALL ROAD, LONDON, N2 9PY - F/03911/14

This item was withdrawn from the agenda at the request of officers.

### 15. 67 BALLARDS LANE, LONDON, N3 1XP - F/03055/14

Votes were recorded as follows:

Approval	4
Against	0
Abstentions	3

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

### 16. 57A NETHER STREET, LONDON, N12 7NP - F/02487/14

Councillor Jim Tierney moved that consideration of the application be deferred until the next meeting of the Finchley and Golders Green Area Planning Committee in October, in order to enable residents to review amended plans.

Councillor Arjun Mittra seconded the motion.

The votes were recorded as follows:

For	4
Against	1

Abstentions	2
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The motion was carried.

**RESOLVED**, to defer consideration of the application be deferred until the next meeting of the Finchley and Golders Green Area Planning Committee in October.

**17. CHALGROVE PRIMARY SCHOOL, CHALGROVE GARDENS, LONDON, N3 3PL - F/03457/14**

Votes were recorded as follows:

Approval	7
Against	0
Abstentions	0

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

**18. GLOUCESTER HOUSE, 150 WOODSIDE LANE, LONDON, N12 8TP - B/00551/14**

Councillor Arjun Mittra absented himself from the meeting for consideration of this item.

Votes were recorded as follows:

Approval	4
Against	2
Abstentions	0

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

**19. ST JUDES CHURCH ROOMS, CENTRAL SQUARE, LONDON, NW11 7AH - F/03595/14**

Votes were recorded as follows:

Approval	7
Against	0
Abstentions	0

**RESOLVED TO APPROVE** the application as per the Officer's report and subject to the conditions and informative set out in the report.

**20. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

There were none.

The meeting finished at 9.19 pm

**LOCATION:** 11 Dollis Park, London, N3 1HJ

**AGENDA ITEM 7**

**REFERENCE:** F/04587/14

**Received:** 21 August 2014

**Accepted:** 28 August 2014

**WARD(S):** Finchley Church End

**Expiry:** 23 October 2014

**Final Revisions:**

**APPLICANT:** Mr A Mahgarifteh

**PROPOSAL:** Construction of a single storey rear outbuilding for use as a gym.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: EBI/2014/07/01A, E-mail from agent dated 06/10/2014, EBI/2014/07/02.

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

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development

**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 £1,131.90 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 £4,365.90 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.

## 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:

**Enforcement Notice** - Without planning permission the change of use to mixed use of 6 self contained flats and 1 bedsit unit at second floor level within the last four years - Enforcement notice upheld at appeal.

**Site Address:** 11 Dollis Park LONDON N3  
**Application Number:** C11265  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 15/10/1992  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conservatory at first floor level at rear**  
**Case Officer:**

Consultations and Views Expressed:

Neighbours Consulted: 17                      Replies: 9  
Neighbours Wishing To Speak 1

- Property should be converted to lesser number of flats in accordance with the enforcement notice
- Not in keeping with neighbouring gardens
- Over sized and overdominant
- Would detract from character of the area
- Applicant has shown a lack of respect for planning regulations
- Gymnasium is an unlikely addition to a residence
- Construction is in excess of what would be required for a gym.
- Owner may rent out outbuilding.
- Users of the gym would cause loss of privacy
- Noise and disturbance from the use

The Finchley Society have objected on the following grounds:

- Scale of outbuilding is an overdevelopment of the plot
- Proposals reduce amount of amenity space available

- Owner is already not complying with enforcement notice

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site property is a terraced property on the east side of Dollis Park in a predominantly residential area. The site bounds residential properties to either side and a green strip of land to the rear between the site and the underground track.

It is noted that the property is currently in use as flats and that an enforcement investigation is ongoing.

### Dimensions:

The proposals are for a gymnasium within the rear garden. The outbuilding would be 4.9m deep and 6.6m wide. It would be 2.5m high to eaves level and 2.8m high to the top of the flat roof.

### Planning Considerations:

The site property is subject to an enforcement notice, requiring that the use as 7 flats ceases and reverts to 4 flats which are understood to be lawful. This is currently subject to enforcement investigation and an appeal against the notice has been unsuccessful. The applicant is therefore required to convert the building back to four flats and this matter is ongoing.

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:

*In general, rear garden walls and fences should not exceed 2 metres to protect*

*views and daylight. The same principles apply to the design of back garden buildings as to rear extensions:*

- *they should not unduly over-shadow neighbouring properties*
- *they should not be too large or significantly reduce the size of a garden to become out of character with the area*
- *they should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas*
- *their design and materials should be in harmony with the surrounding area.*

*Proposals should consider location of garden buildings such as sheds and greenhouses so that they minimise the impact on neighbouring properties. Garden buildings should be located to the rear of properties. The building materials used should respect the existing buildings and the overall character of the area. Garden buildings should minimise any impact on trees.*

The proposed outbuilding has been reduced in height so that it would be 2.5m high to eaves level and 2.8m to the height of the flat roof.

It is noted that there is an existing timber aviary enclosure in the garden though it would appear that no permission exists for this structure.

The site property and neighbouring properties benefit from particularly long gardens. It is not considered that the proposals would harm the character and appearance of the general locality, taking into account the footprint of the proposed outbuilding in relation to the length of the garden.

The outbuilding's height would be low in order to minimise its impact as perceived from neighbouring rear gardens. There are close boarded fences to both neighbouring properties. Although there are relatively few examples of outbuildings in the area the outbuilding would be typical of what would be expected within a suburban environment.

The applicant has advised that the outbuilding would only be used by residents of the existing dwellings and not as a self contained dwelling. A condition would be attached so that the outbuilding is not used for purposes other than those ancillary to the main flats.

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

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

- Property should be converted to lesser number of flats in accordance with the enforcement notice - *Noted, however this is not grounds to refuse a planning application as some of the flats are understood to be lawful.*
- Applicant has shown a lack of respect for planning regulations

- Gymnasium is an unlikely addition to a residence - *It is considered that a gym is a reasonable addition to a domestic property. Construction is in excess of what would be required for a gym. - The size of the building is considered appropriate.*
- Owner may rent out outbuilding. - *A condition is attached in order to prevent this.*
- Users of the gym would cause loss of privacy - *It is not considered that there would be a material loss of privacy to neighbouring residents.*
- Noise and disturbance from the use

The Finchley Society have objected on the following grounds:

- Scale of outbuilding is an overdevelopment of the plot
- Proposals reduce amount of amenity space available
- Owner is already not complying with enforcement notice

#### **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: 11 Dollis Park, London, N3 1HJ**

**REFERENCE: F/04587/14**



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**LOCATION:** 130 Hendon Lane, London, N3 3SJ

**REFERENCE:** F/04345/14

**Received:** 11 August 2014

**AGENDA ITEM 8**

**Accepted:** 21 August 2014

**WARD:** Finchley Church End

**Expiry:** 16 October 2014

**Final Revisions:**

**APPLICANT:** AJC MAGEN AVRAHAM SYNAGOGUE

**PROPOSAL:** Retention of change of use of two rooms on first floor as a pre-school nursery from 8.30am- 2pm, Monday to Friday during term time for a maximum of 14 children.

**Approve following legal agreement**

**Subject to a Section 106 Agreement**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Requirement to submit Travel Plan £0.00**  
Within 3 months of occupation of the date of the decision notice a school's School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the nursery's transport policy to incorporate measures to reduce trips to nursery by car and encourage non car modes such as walking, cycling and public transport. The School Travel Plan should include the appointment of a School Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be reviewed and submitted for approval annually.
- 4 **Monitoring of the Agreement £5000.00**  
Contribution towards the Council's costs in monitoring the School Travel Plan.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: F/04345/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, HL -003/2012, HL-001/2012, HL-002/2012.

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 The premises shall be used for a nursery school and meeting rooms in relation to the synagogue and no other purposes (including any other purpose within Class D1 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.

- 3 The use hereby permitted shall operate between 8.30am and 2.00pm term times only.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 4 The rear garden area shall only be used for 1 hour a day by pupils of the nursery school.

Reason:

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

- 5 Within 3 months of the date of the decision notice a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the nursery's transport policy to incorporate measures to reduce trips to nursery by car and encourage non car modes such as walking, cycling and public transport. The School Travel Plan should include the appointment of a School Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be reviewed and submitted for approval annually.

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.



6 The number of children registered to attend the nursery shall not exceed 14.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

### **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.

### **RECOMMENDATION III:**

That if the above agreement has not been completed by the 21st December 2014 unless otherwise agreed in writing the Assistant Director of Development Management and Building Control REFUSE the application F/04345/14 under delegated powers for the following reasons:

1. The development would require the submission and monitoring of a Travel Plan to promote sustainable modes of travel and to reduce the use of cars by people visiting the site and no formal undertaking is to submit a Travel Plan and to meet the costs of monitoring the Travel Plan to the detriment of the safety and free flow of traffic and contrary to Policies DM17 of the Development Management Policies (Adopted) September 2012.

### **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan (July 2011)

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, DM14

Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	C/15691/A/07
<b>Validated:</b>	21/08/2007	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	09/01/2008
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Fabien Gaudin
<b>Description:</b>	Two storey rear extension. Part ground floor side extension.		
<b>Application:</b>	Planning	<b>Number:</b>	C/15691/04
<b>Validated:</b>	11/02/2004	<b>Type:</b>	S63
<b>Status:</b>	DEC	<b>Date:</b>	16/07/2004
<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	Continued use of ground floor as a specialised religious meeting room with associated library and cloakroom. Two bedroom flat at first floor level.		
<b>Application:</b>	Planning	<b>Number:</b>	F/00279/08
<b>Validated:</b>	17/03/2008	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	30/07/2008
<b>Summary:</b>	APC	<b>Case Officer:</b>	Fabien Gaudin
<b>Description:</b>	Proposed ground and first floor rear extension with associated pitch roof above part ground floor extension. Side and rear dormers to facilitate a loft conversion. Conversion of existing religious meeting rooms with associated first floor to a synagogue and loft to be a one bedroom flat		
<b>Application:</b>	Planning	<b>Number:</b>	F/01583/13
<b>Validated:</b>	13/06/2013	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	01/08/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Retention of change of use of two rooms on the first floor as a pre-school nursery from 8.30am - 2.00pm, Monday-Friday during term time for a maximum of 14 children.		
<b>Application:</b>	Planning	<b>Number:</b>	F/01770/13
<b>Validated:</b>	12/07/2013	<b>Type:</b>	APF
<b>Status:</b>	APD	<b>Date:</b>	16/05/2014
<b>Summary:</b>	W	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Change of use to synagogue. Part single, part two storey side extension and single storey rear extension.		
<b>Application:</b>	Planning	<b>Number:</b>	F/02996/12
<b>Validated:</b>	28/08/2012	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	17/04/2013
<b>Summary:</b>	WIT	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Change of use of 2no. rooms at first floor level as a pre-school nursery for 25 children from 8.30am - 2.00pm Monday to Friday Term Times.		

Consultations and Views Expressed:

Neighbours Consulted: 112      Replies: 8  
Neighbours Wishing To Speak: 1

The objections raised may be summarised as follows:

- Traffic in Hendon lane is extremely heavy particularly in the mornings, having parents dropping off will add to the hold ups.
- Hendon Lane is a residential area.
- Road is heavily congested with on-street parking and through traffic.
- This summer there were children playing games and singing in the garden of 130 Hendon Lane which caused noise and disturbance.
- Insufficient parking on adjoining new developments is leading to problems with parking on the adjoining roads which will be exacerbated by the proposal.

Internal /Other Consultations:

- Traffic and Transport - No objection, subject to a school travel plan and a S106 contribution towards the monitoring of the agreement.

Date of Site Notice: 28 August 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

130 Hendon Lane is a large detached building located on the west side of Hendon Lane on the junction with Waverley Grove. The property was originally a house but has been converted to a synagogue (F/00279/08) and 1 bed flat.

The site has a circular drive and can be accessed from both Hendon Lane and Waverley Grove. The area to the front of the property is hardsurfaced with an area of soft landscaping, to the rear is a large garden. To the side of the property is a single storey detached garage that is used for storage.

Levels drop from front to rear of the site by approx 1.5m so that the property is below street level.

The site is located within an established residential area in a tight knit suburban area. The properties on Hendon Lane are predominantly purpose built blocks of flats. The properties on Waverley Grove are large detached houses.

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 2, 6 being the highest level of accessibility.

Proposal:

The application is for the continued use of two rooms at first floor level for use as a pre-school nursery from 8.30am to 2.00pm Monday to Friday during term time only for a maximum of 14 children.

Planning permission (our ref:F/01583/13) was granted by the West Area Planning Sub Committee on the 31st July 2013 for the retention of change of use of two rooms on the first floor as a pre-school nursery from 8.30am - 2.00pm,

Monday-Friday during term time for a maximum of 14 children. Permission was granted subject to a number of conditions including condition 2 which required:

'This permission shall be for a temporary period only, expiring on 31st July 2014 when the use shall be discontinued and the works carried out under this permission shall be removed and the premises reinstated in accordance with details approved by the Local Planning Authority in writing before 1st September 2014.

Reason:

To protect the amenities of the area.'

The current application is for the retention of the use on a permanent basis.

Planning Considerations:The main issues for consideration are:

- Impact on amenity of adjoining residents;
- Traffic and highways

### **Impact on amenity of adjoining residents**

The lawful use of the building is as a synagogue and flat. Whilst a synagogue and a nursery fall within the same use class D1 (non-residential institutions) the original consent for the use as a synagogue was subject to a number of conditions which restrict how the building can be used. This includes condition 7 (F/00279/08) which restricted the use to a synagogue and to no other purpose within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The reason for the imposition of this condition was 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.

The only other restrictions on the original consent restrict the use of the premises between 11pm-7am on any day (condition 5); limit the number of people to a maximum of 45 (condition 13) and prohibit weddings, parties and social gatherings (condition 6). There are no restrictions on the use of the garden.

The nursery uses the premises between 8.30am and 2pm for up to 14 children and 3 part time staff. This falls within the permitted hours of use and numbers allowed by the original consent and it is therefore not considered that the use as a nursery would adversely impact on the amenity of residents of adjoining premises.

When the application for the nursery use was originally considered by the West Area Planning Committee in July 2013 it was approved subject to a condition that limited the use to a period of 1 year in order to enable the Local Planning Authority to review the impact of the use. During that period Environmental Health have not received any complaints with regards to noise and disturbance from the use.

The property is a large detached house which is set off from the boundary with both of the adjoining properties, as a result it is not considered that noise from the use of the first floor rooms as a nursery use will adversely impact on either of the adjoining properties.

Unlike the synagogue use the applicant does use the rear garden area for the children to play in. Although Hendon Lane is a busy road and as a result has higher than usual ambient noise levels, the rear garden areas of the properties are screened from the road by the buildings and therefore enjoy quieter noise levels. In order to minimise the impact of noise from children playing in the rear garden the condition restricting the time spent within the garden to one hour per session that was applied to the temporary consent is recommended for this application.

On this basis it is considered that the proposal does not result in noise and disturbance to the adjoining residential properties to such a level as to warrant a refusal.

The proposal is therefore not considered to adversely impact upon the amenity of adjoining residents and to be in accordance with policy DM01 and DM04 of the adopted Local Plan.

### **Traffic and Highways**

The reason for the initial grant of permission for only 1 year was due to the level of local concern regarding the impact of drop off and pick up. During the last year the Councils Traffic and Development section have not received any complaints about parking or traffic in relation to the nursery use.

However, when the temporary consent was granted the Traffic and Development section advised that whilst a travel plan would not be required at that time in the event the application is renewed on a permanent basis then the applicant was informed that a travel plan would be required with a contribution of £5,000 towards the monitoring of the Travel Plan.

Traffic and Development have raised no objections to the permanent retention of the use subject to the submission of a Travel Plan.

If Members are minded to approve the application a condition requiring the submission of a Travel Plan and a S106 agreement to cover the costs of monitoring a Travel Plan are recommended.

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

These have been considered in the report.

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

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

### **5. CONCLUSION**

Having taken all material planning 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 or on highway safety. This application is therefore recommended for approval.

**SITE LOCATION PLAN:** 130 Hendon Lane, London, N3 3SJ

**REFERENCE:** F/04345/14



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**LOCATION:** Ground Floor Flat, 69 Park Hall Road, London, N2 9PY

**REFERENCE:** F/03911/14

**Received:** 21 July 2014 **AGENDA ITEM 9**

**Accepted:** 21 July 2014

**WARD(S):** East Finchley

**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: Appeal Allowed  
Appeal Decision Date:  
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: 3  
Neighbours Wishing To Speak YES  
Three objections were received.

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

The objections raised may be summarised as follows:

- Amenity Space – calculations and usability issues
- Application documentation issues
- Inconsistencies in the elevations and general arrangements
- Enclosure, outlook, lack of privacy and open aspect considerations
- Design and visual impact
- Conversion policy considerations
- Maintenance, drainage, access and security issues
- Impact on the character of the neighbourhood
- Differences from the withdrawn application
- Loss of garden space
- Levels of the land, the development will be higher than the drawing suggests
- The fence between no. 69 and 71 is the responsibility of no.71 and concern is raised that damage will be caused during construction and thereafter. Maintenance of the fence would also be a concern
- Proximity of the development to the boundary with no. 71. Concern regarding destabilising effect from foundations, onto no71's side of the fence
- 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

- Exacerbated sound travel and disturbance from the roof space adjoining the internal walls of the upper flat.
- 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.
- 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 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 condition, requiring that the space remain open and in a usable form for the enjoyment of 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**

## **1. Amenity Space – calculations and usability issues**

The proposed development is an extension to an existing flat and retains suitable amenity space for the existing residents. The development includes 25sqm of amenity area at the rear of the site. Whilst this application is not for a new unit, the quantity of space is consistent with Table 2.3 in Councils Sustainable Design and Construction SPD 2013. The dimension of the space is considered to be practical for a courtyard, and allows for amenity items such as an outdoor table and chairs.

## **2. Application documentation issues**

The documentation submitted with the application is considered to be sufficient for the purpose of the assessment.

## **3. Inconsistencies in the elevations and general arrangements**

The proposed development is considered against the plans that are submitted and a site visit. Should the drawings be inaccurate, or require alteration as a result of survey levels, a variation to the consent would require consideration and assessment.

## **4. Enclosure, outlook, lack of privacy and open aspect considerations**

The proposed development includes a fixed roof light over the kitchen/family room.

It is considered that the proposed layout of the extensions will not detrimentally impact the amenity of residents, who live in the upper floor units in the building. It is considered that the residential amenity to occupants above, to the side, and to the rear of the site will not be adversely impacted by an undue sense of enclosure, loss of outlook, lack of privacy and loss of open aspect.

It is considered that the scope of the proposed development is not dissimilar in scale, design and layout, to that which is commonly considered acceptable and expected in a dense urban area, such as East Finchley.

## **5. Design and visual impact**

The proposed development is considered acceptable with regards to design and visual impact.

## **6. Conversion policy considerations**

The proposed development does not involve the conversion of the unit.

## **7. Maintenance, drainage, access and security issues**

With regard to maintenance and drainage, these are not matters of consideration for planning permission. These matters are addressed by Building Control.

The detail provided on the submitted plans is considered to be satisfactory for the assessment of the planning application.

In this residential site, maintaining access down the full length of the site is not considered to be a material planning issue, as the side projection does not result in adverse impacts on the character and amenity of the neighbourhood.

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 of the garden, and this right of access will also be unaffected by the proposed extension.

In terms of matters that are within lease agreements at the site, they are civil matters and not matters of consideration.

#### **8. Impact on the character of the neighbourhood**

The developments width, height, design, siting and material choice are considered to be acceptable, are not inconsistent with councils policy DM01 within Development Management Policies DPD 2012 and will not result in adverse impacts on the character of the neighbourhood.

#### **9. Differences from the withdrawn application**

The proposed development is consistent with the previous application (F/01160/14). Following review of the intention of council's policies, the scheme was considered acceptable, and did not warrant refusal based on the grounds of lack of amenity space.

#### **10. Levels of the land, the development will be higher than the drawing suggests**

The proposed development is considered against the plans that are submitted and a site visit. Should the drawings be inaccurate, or require alteration as a result of survey levels, a variation to the consent would require consideration and assessment.

#### **11. The fence between no. 69 and 71 is the responsibility of no.71 and concern is raised that damage will be caused during construction and thereafter. Maintenance of the fence would also be a concern**

Fences, their maintenance and damage to property is a civil matter between the owners of the site.

#### **12. Proximity of the development to the boundary with no. 71. Concern regarding destabilising effect from foundations, onto no71's side of the**



## **fence**

The construction and foundations of the development is a matter of consideration for Building Control.

### **13. The original planning consent in 1988 included a condition relating to the provision of two parking spaces**

Amended plans were submitted to retain the existing parking at the rear of the property.

### **14. 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**

The development retains parking.

### **15. Negative impact to biodiversity on the site**

It is considered unlikely that the proposed development will adversely impact the biodiversity on the site.

### **16. Exacerbated sound travel and disturbance from the roof space adjoining the internal walls of the upper flat.**

The proposed development is not inconsistent with other residential extensions that are common in the municipality. It is considered that the scope of works will not result in detrimental sound and disturbance impacts to nearby residential occupants.

### **17. 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.**

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.

### **18. 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.**

House price inflation is not a planning material consideration.

### **19. Concerns that non-resident freeholders who are not directly affected by the development, gain an added value in the property**

This is not a planning material consideration.

**20. 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.**

This is not a planning material 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:** Ground Floor Flat, 69 Park Hall Road, London, N2 9PY

**REFERENCE:** F/03911/14



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**LOCATION:** 11 Kingsley Close, London, N2 0ES

**REFERENCE:** F/01512/14

**Received:** 19 March 2014 **AGENDA ITEM 10**

**Accepted:** 02 September 2014

**WARD(S):** Garden Suburb

**Expiry:** 28 October 2014

**Final Revisions:**

**APPLICANT:** Mr Sargeant

**PROPOSAL:** Retention of fenestration to rear elevation

**RECOMMENDATION: Approve Subject to Conditions**

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

Site Location Plan; Existing Rear Elevation; Proposed Rear Elevation; Proposed Ground Floor Plan; Steel Window Service- Window Specification details; 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).

**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 11th September 2012

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

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

#### Supplementary Planning Documents and Guidance

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

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

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

the subject of separate public consultation.

Relevant Planning History:

None

Consultations and Views Expressed:

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

This application is referred to the Planning Area Sub-Committee as the applicant is Councillor Sargeant.

Date of Site Notice: 11 September 2014

## 2. PLANNING APPRAISAL

Site Description and Surroundings:

This application site is located on the northern side of Kingsley Close within Area 8 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a locally listed, two-storey, mid-terraced, residential dwelling house.

The Conservation Area Character Appraisal notes;

*"Kingsley Close is an attractive example of Moderne architecture, running west from Kingsley Way by Welch, Cachemaille-Day and Lander, 1934. Unusually, the boundaries are delineated by low stone walls rather than hedges, but this gives a clear view of all front gardens, creating a more spacious, open feel in an otherwise small close. Grass verges only remain at the entrance, though the few mixed street trees and substantial front garden trees help soften the linear architectural features.*

*The white-rendered buildings have curved and square steel corner windows, tile-hipped roofs and through carriageways to rear garages. The gateway houses (Nos. 14 and 16 Kingsley Way) have Art Deco balcony railing. A few original doors exist with horizontal glass detail, but there are also some inappropriate replacements, such as at No. 8."*

Proposal:

This application seeks consent for the retention of the fenestration to the rear elevation.

The ground floor french doors and accompanying side lights have been replaced with metal double glazed units.

Planning Considerations:

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

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

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

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

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

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

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

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



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

The proposed retention of existing ground floor fenestration is considered to be acceptable. The replacement double glazed units are considered to match the design and profile of the original fenestration.

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

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

Nil.

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

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

### **5. CONCLUSION**

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

**APPROVAL** is recommended.

**SITE LOCATION PLAN:** 11 Kingsley Close, London, N2 0ES

**REFERENCE:** F/01512/14



**LOCATION:** 35A Woodstock Avenue, London, NW11 9RG

**AGENDA ITEM 11**

**REFERENCE:** F/04616/14

**Received:** 22 August 2014

**Accepted:** 22 August 2014

**WARD(S):** Childs Hill

**Expiry:** 17 October 2014

**Final Revisions:**

**APPLICANT:** Morphuse Ltd

**PROPOSAL:** Conversion of 1no one bedroom flat into 2no two bedroom flats. Construction of single storey rear extension with basement level and patio above. Changes to windows and doors to side and rear elevation including new Juliet balcony at first floor level.

**RECOMMENDATION: Approve Subject to Conditions**

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

- No. 2013-0797 EX and 2013-0797 PR REV 2 (received: 30/09/14).

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

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

Reason:

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

3 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 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).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation, of the extension(s) hereby approved, facing 33 Woodstock Avenue.

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).

- 6 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.

- 7 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.

- 8 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented 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).

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

Reason:

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

### **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 Londoner's benefit from sustainable improvements to their quality of life.

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, and 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 history for current landparcel :**

41363 - 35A Woodstock Avenue, London, NW11 9RG

Case Reference: **F/04616/14**

<b>Application:</b>	Planning	<b>Number:</b>	F/02980/14
<b>Validated:</b>	02/06/2014	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	14/07/2014
<b>Summary:</b>	REF	<b>Case Officer:</b>	Dominic Dear
<b>Description:</b>	Conversion of 1No one bedroom flat into 2no.two bedroom flats. Construction of single storey rear extension with basement level and patio above. Changes to		

windows and doors to side and rear elevation including new Juliet balcony at first floor level.

Consultations and Views Expressed:

Neighbours Consulted: 65 Replies: 6 Against: 6

Neighbours Wishing To Speak 1

Summary of objections

- New side entrance would create a loss of privacy
- Juliet balcony would create a loss of privacy
- Potential structural impacts due to construction works (basement
- Insufficient amenity space provided
- Excessive noise due to construction works
- Loss of light

Date of Site Notice: 04 September 2014

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site is a ground floor flat located within a house to flat conversion on Woodstock Avenue.

The property is not listed and does not lie within a conservation area.

Proposal:

The proposal seeks to:

- Conversion of existing flat into 2 x two bedroom flats
- Single storey rear extension (w: 6.8m, h: 3.0m, d: 4.0m)
- Creation of a full footprint basement with associated sunken terrace
- New Juliet balcony at first floor level

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

This property as well as several others in the street have already been converted to flats. The principle of flats in this location has therefore been established.

### Density

With regard to the London Plan (2011) Density Matrix found in Table 3.2, it is considered that the site can be defined as 'urban' and has a PTAL score of 4. The site is approximately 350 m<sup>2</sup> in size and the development includes 2 self-contained flats. Calculations show that the proposed scheme's density is approximately 60.61 units per hectare, and this is consistent with the density range for its context and the guidelines in the London Plan.

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.

### Living conditions of future occupiers

#### *Space standard*

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (July 2011), it is advocated that two bedroom (3 person) units should have a minimum of 61 m<sup>2</sup> of internal space and studios should have a minimum of 37 m<sup>2</sup>. It is considered that the units do provide adequate internal space for future occupiers.

With regard to Table 2.2 of the Sustainable Design and Construction SPD, it is advocated that for a 3 person unit, the internal living/kitchen/dining room have an area of 25 m<sup>2</sup>. Both proposed flats exceed this requirement.

#### *Amenity space*

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)]. With regard to this matter, a 21 m<sup>2</sup> sunken terrace has been provided to serve the rear ground/ basement flat. The second unit would have access to a 48 m<sup>2</sup> private garden. It has therefore been concluded that sufficient amenity space exists to serve both flats.

#### *Daylight, Privacy and Outlook*

Policy DM01 (Barnet's Local Plan, 2012) states that 'development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.'

A lack of outlook was the principle reason why the previous planning application was



refused. The layout has since seen substantial changes. The rear flat now benefits from glazed windows to the ground floor and a 3m deep sunken terrace with French doors serving the basement bedrooms. These changes allow for all habitable rooms to have both outlook and daylight.

In the studio flat, both the bedroom and lounge have sufficient outlook and daylight. Although it has been noted that the kitchen, located in the basement, has limited outlook, the space is not considered to be a habitable as it has an area of only 12 sq m. The applicant has however included a large light well measuring 4m deep allowing for adequate daylight.

The side access has raised concerns over privacy. This has been resolved through negotiations with the applicant as all flank wall windows will now be obscure glazed.

### *Sound Insulation*

Sound insulation between units is important and should be incorporated into the scheme which is 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. The applicant should achieve the required sound insulation levels should the proposal be approved as part of an appeal; the Inspector is advised that this should be enforced by an appropriate condition attached to the decision.

### *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, seek to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

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 proposed rear extension has a depth of 4m which is over the 3.5m guide set out in Barnet's residential design guidance. In this case however this is justified because both neighbouring properties benefit from similar rear extensions, mitigating any potential impact on the amenity of neighbouring occupiers.

The proposed basement also adheres to Barnet's Residential Design Guidance as the exposed area of basement (rear light well) is a subordinate feature of the dwellinghouse and does not take up more than 50% of the garden. The light wells to the side are also discrete and unlikely to affect the character of the area.

### *Parking*

With regards to provision of parking, LBB's Policy CS9 within the DM17 (Travel impact and parking standards), sets the local policy for residential parking provision:

- A maximum of two to one and a half space, for detached and semi detached houses and flats (4 or more bedrooms)
- A maximum of one and a half to one space, per unit (2 to 3 bed)
- A maximum of one to less than one space, per unit (1 bed)

for 1 bed flat=1 parking space and for 2 bed flat=1.5, thus the total parking provision is 2.5 which is the higher limit of the maximum.

The proposed car parking provision for a new development should comply with local policies and have a consideration of the policies within the London Plan. Although a restraint based approach is encouraged the applicant must provide justification that any over spill parking will be mitigated and will not unduly affect the free flow of traffic, operation of bus routes nor that the existing residential parking is unduly affected.

The existing house benefits from a dropped curb with sufficient space for 2 x off street parking spaces (parked at 90 degrees to the pavement) and considered acceptable. Details with regards to parking however were not included with the current application. A condition requiring the applicant to provide further details has been attached.

#### Impact on character and appearance of the existing building and the wider locality

As discussed, the property has already been converted to flats and other conversions exist in the street. Furthermore most properties in the street benefit from rear extensions. This coupled with the fact that no changes are proposed to the principal elevation lead to the conclusion that the scheme would indeed maintain the character of the area in accordance with policy DM01.

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

New side entrance would create a loss of privacy: All side windows will be obscured to deal with this issue

Juliet balcony would create a loss of privacy: Juliet balconies are unlikely to create overlooking issues as they offer the same outlook as any window.

Potential structural impacts due to construction works (basement): All building works will need building regulations which assess the impact of the works on other properties.

Such objections however are not planning concerns.

Insufficient amenity space provided: The amenity space provided satisfies Barnet's Planning Policy (addressed in planning concerns).

Excessive noise due to construction works: This is not a planning concern.

Loss of light: The amenity of neighbouring occupiers has been dealt with under planning considerations.

#### **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.

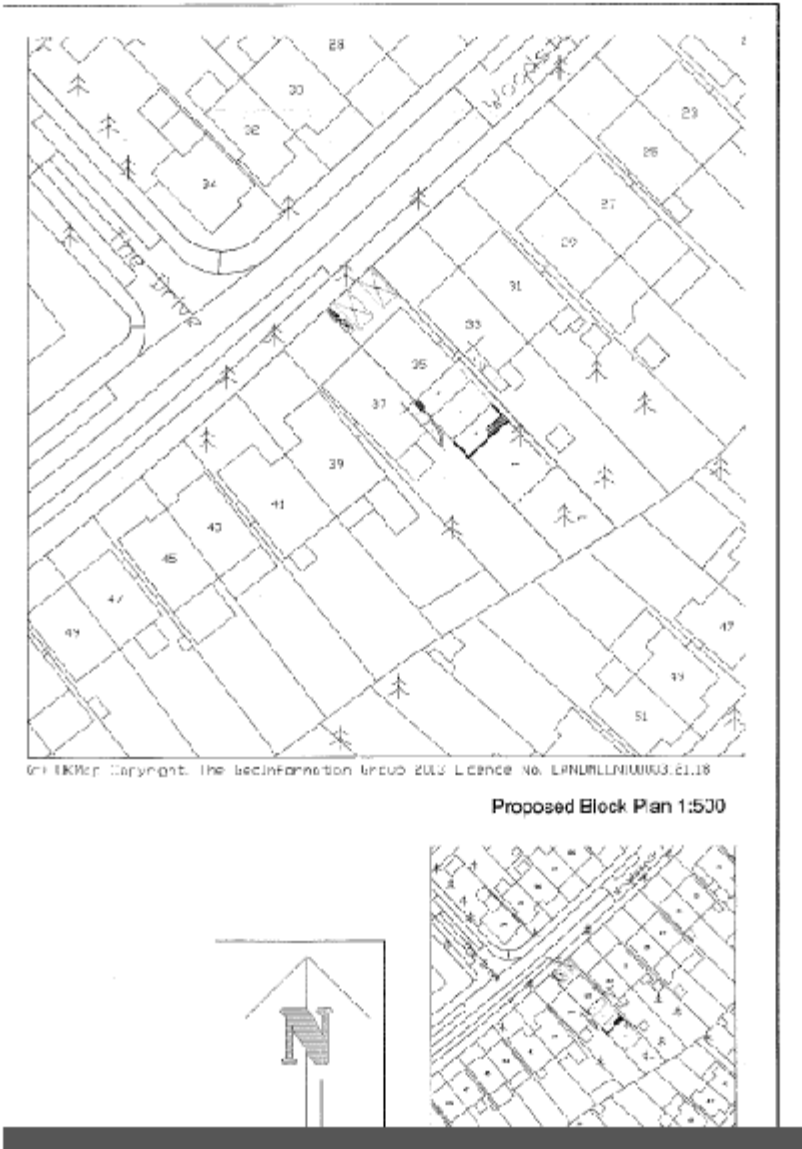
#### **5. CONCLUSION**

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: 35A Woodstock Avenue, London, NW11 9RG**

**REFERENCE: F/04616/14**

13.



**LOCATION:** 10 Park Drive, London, NW11 7SH

AGENDA ITEM 12

**REFERENCE:** F/04664/14

**Received:** 27 August 2014

**Accepted:** 26 August 2014

**WARD(S):** Childs Hill

**Expiry:** 21 October 2014

**Final Revisions:**

**APPLICANT:** Living In Space

**PROPOSAL:** Part single part two storey side and rear extension including raised timber decking with steps to rear garden. Insertion of 2No. rooflights to the rear elevation. Alterations to fenestration to side elevation. New front porch. 2No front facing rooflights to facilitate a loft conversion.

**RECOMMENDATION: Approve Subject to Conditions**

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

- 012.14\_100 - site location plan
- 012.14\_101 - existing site plan
- 006.12\_102 P1 - existing ground & first floor plan
- 006.12\_103 P1 - existing second floor & roof plan
- 012.14\_104 P1 - existing front and rear elevations
- 012.14\_105 P1 - existing side elevations
- 012.14\_201 P2 - proposed site plan
- 012.14\_202 P2A - proposed ground & first floor plan
- 006.14\_203 P2A - proposed second floor & roof plan
- 012.14\_204 P3 - proposed front & rear elevations
- 012.14\_205 P3 - proposed side 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 Before the building hereby permitted is occupied the proposed window(s) in the first floor side elevation facing no 8 Park Drive shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 2 Wildlife and Countryside Act 1981 Obligations etc: TIN/TPO  
Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

#### **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, 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 :  
10 Park Drive, London, NW11 7SH  
Case Reference: F/04664/14

Planning applications

**Site Address:** 10 Park Drive, London, NW11 7SH  
**Application Number:** F/03394/14  
**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 side and rear extension and raised decking at rear. New front porch. New windows to side elevation. Roof extension involving 1No. rear dormer window, 4No. rooflights to rear elevation, 2No. front facing rooflights to facilitate a loft conversion. New driveway side fence.**

**Case Officer:**

**Site Address:** 10 Park Drive, London, NW11 7SH  
**Application Number:** F/03394/14  
**Application Type:** Householder  
**Decision:** Not yet decided  
**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 side and rear extension and raised decking at rear. New front porch. New windows to side elevation. Roof extension involving 1No. rear dormer window, 4No. rooflights to rear elevation, 2No. front facing rooflights to facilitate a loft conversion. New driveway and side fence.**

**Case Officer:** Kate denTeuling

Consultations and Views Expressed:

Neighbours Consulted: 3                      Replies:            5  
Neighbours Wishing To Speak    NO

Five objections were received. They are summarised as follows:

- Impact on the environment and wildlife, as there may be newts and bats in the vicinity of the development whose habitat could be destroyed.
- Loss of privacy



- Loss of sunlight
- Amenity of neighbours

## 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 sought sought permission for:

- Part single part two storey side and rear extension
- raised timber decking with steps to rear garden
- Insertion of 2No. rooflights to the rear elevation and 2No front facing rooflights to facilitate a loft conversion
- Alterations to fenestration to side elevation
- New front porch

Initially, the development included a rear roof extension including rear dormer window. Concerns were raised with regard to this element of the proposal, and also with regard to the height of the ground floor rear extension, with regard to the relationship with no. 12 Park Drive. Amended plans have been submitted, that include:

- the deletion of the rear roof extension (including dormer window), and
- the ground floor rear extension lowered and pitch altered

The amended plans are the subject of this report.

### 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 introduction of two (2) rooflights to the front elevation and two (2) roof lights to the rear elevation, for the conversion of the existing loft space. These additions and alterations to the building are considered satisfactory. Normally rooflights are works covered by permitted development.

The development includes the construction of a two storey side extension, measuring approximately 1.6m wide by 6.9m long, and is positioned on the northern side of the building. The development also includes window and fenestration changes to the existing rear elevation of the first floor. The first floor extension includes a flat roof, and although normally the LPA would require a pitched roof on first floor extensions, the proposed development is in conjunction with an existing first floor flat roof, and is therefore considered to be a complementary design to the existing building. The depth of the extension is considered acceptable as there will not be any adverse impact to residential amenity, as it is noted that the side windows on the adjoining property are obscured, and the length of the extension will not extend any further beyond the existing rear facing first floor elevation.

The development includes a ground floor extension at the side and rear of the site, measuring 3.5m in length and 6m in width. The height is proposed to be a maximum of 3.7m on the northern elevation, (which will match the parapet height of the rear ground floor extension that has been constructed at no. 8 Park Drive), and the height of the southern flank wall on the ground floor rear extension is proposed to be 3m. The ground floor extension includes a flat roof with a pitched section on the southern side to accommodate the lower flank wall adjoining no. 12 Park Drive. The finished floor level of the ground level extension was lowered by two steps in the amended plans to lessen the height, bulk and scale impacts on the adjoining neighbours.

In addition, the development includes a raised timber deck, measuring 3.5m in depth and 7m in width is proposed in the rear yard. The height of the deck is proposed to be approximately 400-500mm (i.e. two steps) above the external ground level. It is considered that the proposed deck will not result in overlooking or other adverse impacts to the amenity of adjoining residents, given the proposed height of the deck and the boundary fences between the properties.

The dwelling will retain a significant proportion of rear private amenity space at the rear of the site, which is in keeping with the character of the neighbourhood.

It is considered that the development will not result in adverse overlooking into the

adjoining properties, from the ground or first floors. The development allows the dwelling to sit comfortably on the site and will not result in 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 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.

With regard to the concern that the development may have an impact on the environment and wildlife, it is noted that the development is not within or adjacent to a Site of Importance for Nature Conservation and is an urban residential area. The owners are reminded however of their obligations under the Wildlife and Countryside Act 1981 (as amended), and it is advised that all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Act and failure to comply with the provisions of the Act may result in a criminal prosecution. Normally the LPA would not require an ecological survey on such a site, as this would be unreasonable and environmental impacts would be limited.

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

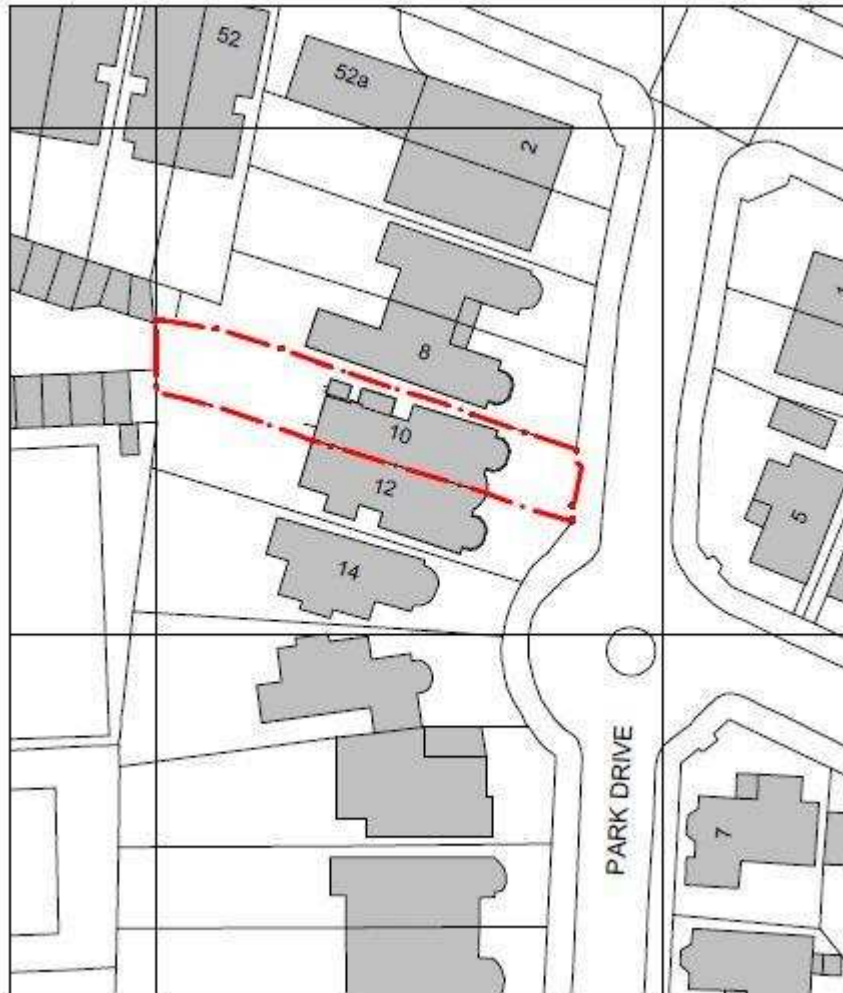
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **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:** 10 Park Drive, London, NW11 7SH

**REFERENCE:** F/04664/14



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**LOCATION:** 290-294, Golders Green Road, NW11 9PY

**REFERENCE:** F/05593/13

**Received:** 28 November 2013

**AGENDA ITEM 13**

**Accepted:** 28 November 2013

**WARD(S):** Golders Green

**Expiry:** 27 February 2014

**Final Revisions:**

**APPLICANT:** Excelsior Project Management Ltd

**PROPOSAL:** Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

**RECOMMENDATION I - Refuse for the following reasons:**

- 1 The proposed development, by reason of its height, massing and scale, would be unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies, CS5 of the Adopted Barnet Core Strategy, and paragraph 64 of the National Planning Policy Framework.
- 2 The proposed building would appear overbearing and visually dominating as viewed from the rear gardens and windows of the properties at no.1, no.3, no.5, no.7, no.9 and no.11 Princes Park Avenue. The proposals would be detrimental to the visual amenities of the neighbouring occupiers, being contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.
- 3 In the absence of any daylight or sunlight assessment of the impact on neighbouring residential occupiers, the proposals would the potential to have a harmful impact on the visual and residential amenities of neighbouring occupiers on Princes Park Avenue. The proposals would be contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies 2012.
- 4 The proposed development does not provide a legal undertaking to monitor the required residential travel plan in association with the development. In the absence of this the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies and policy 6.1 of the Mayor's London Plan.

**INFORMATIVE(S):**

- 1 The plans accompanying this application are: AD-00-00-06-01 P03 ELEVATION 01, AD-00-00-06-02 P03 ELEVATION 02, AD-00-00-06-03 P03 ELEVATION 03 (Received 18/06/2014), AD-00-00-06-04

P03ELEVATION 04, AD-00-00-06-05 P03 ELEVATION 05, AD-00-00-06-06 P03 ELEVATION 06, AD-00-00-06-12 P03 E2 WITH OUTLINE, AD-00-00-06-16 P03 E6 WITH OUTLINE, AD-00-00-06-21 P03 SECTION 01, AD-00-00-06-22 P03 SECTION 02, AD-00-00-06-23 P03 SECTION 03 (Received 17/01/2014), AD-00-00-06-31-GGR STREET SCENE, AD-01-00-01-01 P03 1ST FLOOR PLAN, AD-02-00-01-01 P03 2ND FLOOR PLAN, AD-03-00-01-01 P03 3RD FLOOR, AD-04-00-01-01 P03 4TH FLOOR PLAN, AD-B1-00-01-01 P03 BASEMENT 01 PLAN, AD-B2-00-01-01 P03 BASEMENT 02, AD-BM-00-01-01 P03 BASEMENT MEZZANINE, AD-GF-00-01-01 P03 GROUND FLOOR PLAN, AD-LP-00-01-01 P03 LOWER PENTHOUSE FLOOR, AD-LG-00-01-01 P03 LOWER GROUND FLOOR PLAN, AD-RF-00-01-01-ROOF PLAN P03 (Received 18/06/2014), AD-RT-00-01-01 P03 ROOF TERRACE PLAN (Received 18/06/2014), AD-SP-00-01-01 P03 LOCATION PLAN, AD-ST-00-01-01 P03 SITE PLAN (Received 18/06/2014), AD-ST-00-01-02-SITE PLAN DIMENSIONED P03(Received 18/06/2014), AD-UP-00-01-01 P03 UPPER PENTHOUSE PLAN (Received 18/06/2014), AD-UP-40-01-01-PENTHOUSE (Received 18/06/2014), Air Quality Assessment, Arboricultural Assessment, Archaeology, Design and Access Statement, Ecological Assessment, Energy Statement, Flood Risk Assessment sm1, Site Investigation Report, Transport Statement, Travel Plan, Utility Statement, Ventilation Strategy, Acoustic Assessment Report, Urban Landscape Design Strategy & Visual Impact Assessment.

- 2 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to the appeal process itself:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £656,350 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £1,797,930 payment under Barnet CIL at this time.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

If Affordable Housing Relief or Charitable Relief applies to this development, 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).

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

3

### Waste Comments

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought

from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

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

#### Supplementary Comments

The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure and as such Thames Water request the following condition:

Piling or any other penetrative construction method shall not be permitted other than with the express written consent of the Local Planning Authority, in liaison with the relevant utility providers and Environment Agency, which may be given where it has been demonstrated that there is no resulting unacceptable risk to below ground utility infrastructure or groundwater. The development shall be carried out in accordance with the approved details.

Reason. To ensure that the piling design is protective of below ground utility infrastructure assets and controlled waters.

The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

## **RECOMMENDATION II**



**If the members of the Finchley & Golders Green Area Planning Committee are minded to approve the application, the item shall be referred back to officers to write a schedule of planning conditions, so that the item can be approved under delegated powers, subject to these conditions and any legal agreement necessary.**

## **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.

Policies 3.3, 3.5, 5.2, 5.3, 6.1, 7.4, 7.6 are considered especially relevant.

### 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, CS9, CS10,

CS15

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

### Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD) “Sustainable Design and Construction”, 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. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

The Residential Design Guidance SPD and Sustainable Design and Construction SPD are material considerations.

### Relevant Planning History:

C00513W/04 – Erection of three to five-storey building (plus basement) to provide a synagogue and off-street parking at basement level, Class A1/A2 commercial floorspace at ground level and a total of 14 self-contained flats on the upper floors. Provision of associated amenity space, and vehicular access from Princes Park Avenue – withdrawn August 2004.

C00513X/04 – Erection of a part two, part three, part four storey building to provide a synagogue and car parking at basement level, Class A2 commercial floorspace at ground floor level, 1 dwellinghouse and 12 self-contained flats. Provision of amenity space and refuse storage. Formation of vehicular access onto Golders Green Road – not determined Jan 05 – Appeal dismissed Jan 2006.

C10692F/04 – Erection of a three storey block of 9 two bedroom self-contained flats with basement parking for 15 cars 9 additional surface parking spaces, new access road and demolition of existing bridge over sewer and replacement foot bridge over sewer – withdrawn March 04.

C10692G/04 – Erection of part two storey (with accommodation in the roof) and part three storey block of nine flats with new basement car parking and associated changes to landscaping – withdrawn July 04.

C10692H/04 – Erection of part single (with accommodation in the roof) and part three-storey block of eight flats with basement parking for 14 cars. New access road from Golders Green Road. Concrete bridge over sewer to be demolished. Associated changes to landscape – refused Dec 04 – appeal dismissed May 06.

C10692K/06 – Change of use of part ground and part lower ground floor from class B1 offices to class D1 medical outpatient centre, with minor external alterations – approved Sept 06.

**Site Address:** 290-294 Golders Green Road London NW11

**Application Number:** C00513Z/07  
**Application Type:** Full Application  
**Decision:** Approved subject to conditions and legal agreement  
**Decision Date:** 06/06/2007  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Construction of three storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.**  
**Case Officer:** Karina Conway

**Site Address:** 290-294 Golders Green Road London NW11 9PY  
**Application Number:** C00513AA/08  
**Application Type:** Full Application  
**Decision:** Migrated Code  
**Decision Date:** 23/05/2008  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Construction of five storey building with basements and lower ground floor to create 45 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.**  
**Case Officer:** Karina Conway

**Site Address:** 290-294 Golders Green Road London NW119PY  
**Application Number:** C00513Y/05  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 11/08/2006  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **New three-storey building to provide 14 self-contained flats with basement parking.**  
**Case Officer:**

**Site Address:** HARVESTER RESTAURANTS, THE PRINCE ALBERT, 290-294 GOLDERS GREEN ROAD, LONDON, NW11 9PY  
**Application Number:** 00247/08  
**Application Type:** Full Application  
**Decision:** Approved following legal agreement  
**Decision Date:** 07/07/2008  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Construction of a five storey building with basement and lower ground floor to create 41 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.**  
**Case Officer:** Karina Conway

#### Consultations and Views Expressed:

Neighbours Consulted: 387      Replies: 38  
Neighbours Wishing To Speak 5

A total of 26 letters of objection, 2 petitions (of 70 objections and 26 objections), 1 comment and 3 letters of support were received to the initial consultation.  
The objections raised may be summarised as follows:

- Effect on traffic from 75 flats + a spa
- Access to homes
- Associated visitors would impact on parking available in locality
- Flat dwellers are likely to use their own vehicles rather than public transport
- Scale and appearance of proposals is high and bulky
- Totally out of scale
- There is not enough spacing between building and neighbouring gardens. There is not enough room for landscaping
- Soil survey shows land is unstable. Digging out such a cavity will be unsafe.
- Deep basement will block drainage and increase flooding
- Loss of sunlight and daylight
- Right of light will be compromised
- Overlooking and loss of privacy
- Site contains woodland, which is home to wildlife.
- Loss of protected trees
- Proposals reduce rural nature of site
- Noise pollution and disturbance from 75 flats
- Emissions of petrol and carbon monoxide
- Noise from machinery such as air conditioning
- Pathway at rear of property would be used by all residents and would cause noise and disturbance.
- Lack of security is inappropriate
- Pathways and patios would provide no security
- Access via ramp would have to be gate locked
- Borders of site need to be fenced off
- Security lights are needed to patios, pathways and staircases.
- Area is relatively low density
- Proposals do nothing to address danger from corner of Princes Park Road and visibility
- Rodent infestation
- Land covenants

The additional letters of support can be summarised as follows:

- Proposals will regenerate the area with much needed housing for the local community and get rid of the ugly eyesore on site
- There is shortage of good quality of flats in the area.

A further consultation on amended plans was carried out on 24/04/2014. In response to the additional consultation one objection was withdrawn, and 10 further objections and petition with 56 signatories against the proposals were received.

A further more recent consultation was undertaken on 18/06/2014.

In response to this, seven further objections were received from residents, five of who had already objected to the proposals. One of the objections commented that the changes to the proposals was minimal and would have no impact on residents.

The final total is 34 objections, 4 letters of support and 2 comments.

Internal /Other Consultations:

English Heritage-Archaeology - No comments to make

- Urban Design & Heritage - Object to the proposals
- Trees and Landscape - Have concerns regarding the loss of trees
- Thames Water Devt Control - No objection subject to conditions.
- Environment Agency - No comments received. The proposals fall within standing advice.
- Traffic & Development - Object to over provision of parking
- Environmental Health - Have requested additional information in relation to air quality

Date of Site Notice: 05 December 2013

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site is the former Harvester site addressed 290-294 Golders Green Road.

The site forms an area of approximately 0.4 hectares.

There is a tree preservation order on the site that covers a number of individual and group trees. It appears that historically some of these trees have been cut down.

This application relates to an L-shaped, gap site located on the north-eastern side of Golders Green Road. The plot includes the former site of the Harvester Restaurant and part of the car park which served the Roman House office building immediately adjacent to the site.

The site is situated between Princes Park Avenue to the south-east and Golders Green Road to the south-west. This part of Golders Green Road consists of a mixture of commercial and residential buildings of varying heights, with traditional, suburban housing on the side streets and to the rear of the site. Princes Park Avenue is a residential street comprising of a mix of detached and semi-detached dwellings, which are predominantly two-storeys in height, with pitched roofs.

The site is adjacent to the four-storey commercial office block, Roman House which was built in the 1990's and to the other side, across the junction with Princes Park Avenue, is a three-storey purpose built residential block of flats known as Phildor Court. To the front of the site, Golders Green Road is characterised by commercial premises at ground floor with elements of residential accommodation above. Opposite the site (on Golders Green Road) is a parade of three-storey buildings known as Princes Parade. Decoy Brook defines the rear boundary of the site and separates it from the neighbouring flatted development at James Close.

The topography and site levels vary, sloping down towards the North Circular Road

(A406) to the north-west and Decoy Brook to the north; and upwards to Golders Green to the south-east. The ground levels therefore drop from the corner of the site at its junction with Princes Park Avenue to where it meets its western boundary with Roman House and from the front of the site bordering Golders Green Road to the rear boundary with Decoy Brook.

#### Proposal:

The proposals are for the erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Pre application discussions have taken place with the applicant prior to the submission of the application, and the applicant has reduced the building by two storeys following this.

#### Planning Considerations:

##### Planning History:

In June 2007, consent was given for the construction of a three-storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road (Application Reference C00513Z/07).

In May 2008 consent was given for the construction of a five-storey building with basement and lower ground floor to create 45 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road (Application Reference C00513AA/08).

In July 2008, consent was given for the construction of a five-storey building with basement and lower ground floor to create 41 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road (Application Reference F/00247/08). This proposal was similar to the consented scheme of May 2008 however there were a number of changes including the slight relocation of the PCT (Health Care Facility) to accord more with the original consent of 2007; a re-adjustment to the location of the D1 floorspace; and a subsequent reduction in the number of residential units from 45 to 41. These changes had no bearing on the physical form of the building.

The main issues associated with this planning application are considered to be:

- Whether the proposals would have an acceptable impact on the character and appearance of the streetscene, general locality and local townscape
- Whether the proposals would have an acceptable impact on neighbouring amenity and the amenities of future residents
- Whether the proposals would have an acceptable impact on trees of special amenity value
- Whether the proposals would have an acceptable impact on highway and pedestrian safety

- Whether the proposals make adequate provision for affordable housing
- Whether the proposals would comply with sustainability and energy requirements
- Whether the proposals would harmfully increase local flood risk
- Whether there are any other material planning considerations that would outweigh harm caused by the development

*Whether the proposals would have an acceptable impact on the character and appearance of the streetscene, general locality and local townscape*

#### Application Site:

Taking into account the size and location of the plot and considering the topography of the Golders Green area, this is a highly prominent site, which if developed, is likely to be visible from much of the surrounding area. The design of the building is therefore of highest importance.

The current application seeks consent for the construction of a part two, part six, part seven storey building with lower ground floor level and basements providing 75 residential flats with ancillary spa facility, associated car and cycle parking and landscaping.

The frontage onto Golders Green Road would measure six storeys in height, with a seventh floor set back approximately 2.2m from the front and side façades. This top floor however would be set in from the rear elevation.

It should be noted that there have been previous approved planning applications on site, the most recent of these under reference F/00247/08. This scheme was for a five storey building with basements and lower ground floor. The previous scheme was for 45 flats and a medical centre. The permission has now lapsed.

The proposed development is significantly larger, than that which was approved previously. There is concern that the proposed development, would appear in stark contrast to the two-storey dwellings at the rear and the three-storey buildings adjacent to and opposite the site. It is also located at a higher ground level than the more modest developments to the north and west and would therefore stand out as a highly prominent and visually obtrusive feature, harmful to the character and appearance of the wider area. The location and size of the building would also mean that all elevations would be either entirely or partially visible from the surrounding area.

The principal areas of concern are the height of the proposed building, which at seven storeys is considered to relate poorly with neighbouring buildings, especially those on Princes Park Avenue, and the massing of the building, which would contribute the building appearing bulky within the local streetscape.

Whilst it should be noted that the previously approved scheme was taller than the buildings on Princes Park Avenue, the increase in height of the approved scheme would result in an especially awkward relationship with the neighbouring two-storey dwellings on Princes Park Avenue. As this is a prominent corner site, the uncomfortable relationship between the new building and neighbouring dwellings

would also be apparent from Golders Green Road.

When considering the scale of the development, it is noted that there are some similarly tall buildings in the locality, most notably Melvin Hall. However, this does not show a similar relationship with the immediately adjacent buildings, which is the main concern in relation to the proposals.

The proposal consists of one large, 6-7 storey, L-shaped block, which extends along the front boundary at a width of 60.2m and the north-western (side) boundary at a width of approximately 57m. The failure to sufficiently break up this large block, further exacerbates the visual impact of the development and increases its presence and visual dominance within the street scene. This needs to be considered in conjunction with the height of the building.

It is noted that the proposed building would feature stone, render/stucco, glass, and bronzed sheet. Whilst natural and easy to maintain and light in appearance, there is some concern that these materials would appear out of character within the locality.

For these reasons, the proposed development is considered harmful to the character and appearance of this part of Golders Green, contrary to policy DM01 of the council's Local Plan Development Management Policies DPD, which requires development proposals to be based on an understanding of local characteristics, to preserve or enhance local character and to respect the appearance, scale, mass and pattern of surrounding buildings and spaces. Paragraph 2.2.1 of the Development Management Policies DPD states that "The council will not accept designs for new development that are inappropriate to their context or do not take opportunities to improve the character and quality of an area."

It is considered that the proposed development would fail to respect the scale of neighbouring buildings, appearing out of scale and overly bulky as a result of its massing and failing to relate adequately to local context.

### *Density*

The proposed development would be an area of PTAL rating 4. It would be at a density of 187 units per hectare. If it is argued that the site is an urban location, the proposals would be marginally above this at a density of greater than 185 units per hectare. (The previous scheme was 112).

### *Whether the proposals would have an acceptable impact on neighbouring amenity and the amenities of future residents*

#### *Neighbouring amenity*

The proposed building varies in a number of ways to the previously approved scheme but the following specific points should be noted:

- The footprint differs from the approved scheme as follows:
  - Block facing Golders Green Road would extend to a distance 10.3m from no.1 Princes Park Avenue. The original approval was between 10m and 11m from



the boundary with no.1.

- The building would not extend as far the rear gardens of buildings on Princes Park Avenue where it adjoins the rear blocks, by between 2m and 10m.
- The central element linking the rear part of the site to the front blocks would be sited 4.5m nearer to the boundaries with the rear gardens of Princes Park Avenue in part.
- Between the central element and rear block, there is a small area where the proposed scheme would be up to 3m further away from the rear gardens of Princes Park Avenue than the previously approved scheme.
- The rearmost block would be sited between approximately 4.5m nearer to the rear boundaries of properties on Princes Park Avenue.
- The building is sited marginally further from James Close flats by 0.8m.
- The height has been increased to 7 stories maximum

### *Loss of light*

It is acknowledged that there is potential for the development to cause loss of light to nearby buildings given its massing, height and siting and relationship to buildings on Princes Park Avenue to the east.

It was acknowledged that no.1 Princes Park Avenue has been extended and has utility and kitchen windows facing Golders Green Road to the south.

A number of residents have expressed concern about potential loss of light. It is considered that there needs to be greater analysis of the potential impact on the visual amenities of neighbouring residents and this would have to show that there is not a harmful impact, given that it would seem likely that overshadowing of rear gardens would result from the development.

As it stands in the absence of a daylight and sunlight report; there is concern that, given the height, massing and siting in relation to properties on Princes Park Avenue, the proposals could result in a harmful impact in terms of loss of light to the occupiers of these properties.

### *Loss of outlook*

There is concern regarding the potential impact on outlook on the rear windows of no.1 Princes Park Avenue. At a distance of 10.3m from the side boundary with no.1 Princes Park Avenue, the building would for the most part be closer to the boundaries of the site with neighbouring properties on Princes Park Avenue. The impact on outlook is specifically a concern with regard to the rear windows on no.1 Princes Park Avenue, given that the rear wall of the proposals would be closer on this side.

### *Visual Impact*

The previous scheme did not have a continuous façade running along the rear gardens of these properties. It is considered that the proposals would appear overbearing, visually dominating from the rear gardens and windows of properties at 1-11 Princes Park Avenue. Whilst the applicant has sited the proposed building

further from the boundary with no.1 than the approved scheme, it is not considered that this has addressed concerns regarding the visual appearance of the development. Though the previously approved building would have had a certain degree of presence, these took the appearance of linked blocks. The proposals are for the most part are closer, taller and more massive. It is considered that the proposed development would appear overbearing and visually dominating to the detriment of neighbouring visual amenity.

#### *Loss of privacy*

As amended the proposals would comply with the standards with the Council's Supplementary Planning Document: Residential Design Guidance, which specifies that there should be a minimum distance of 10.5m to neighbouring gardens and 21m to habitable rooms.

The applicant has amended the scheme to site the proposed building 10.3m from the boundary with neighbouring residents. It is considered on balance that the proposals would not result in harmful overlooking given that this is not materially below the figure quoted in the Supplementary Planning Document and that in part the windows are slightly at an angle to the rear windows on Princes Park Avenue.

Windows and balconies have been sited in such a way that they would not harm neighbouring amenity through overlooking, however details of screening for the balconies would be required and could be secured by condition.

The development would have an acceptable impact in terms of privacy on the windows of Roman House, as the proposals are no closer than the previously approved scheme, and that Roman House is in use as a medical centre.

#### *Future Amenity*

The size of all units would comply with the Mayors London Plan.

The applicant has considered whether windows could be obscure glazed however this would provide a poor level of outlook to habitable rooms and is considered undesirable.

The proposed flats would have access to communal amenity areas through communal accesses. It is not considered that the layout would give rise to a poor level of privacy through use of the amenity areas.

The proposals would provide approximately 3000 square metres of amenity space, which would comply with standards in Supplementary Planning Document: Residential Design Guidance.

#### *Whether the proposals would have an acceptable impact on trees of special amenity value*

The proposals would result in the loss of two trees under Tree Preservation Order, namely tree T3 and T4. (Referred to trees G3 and T6 in the order)

Furthermore the proposals would result in the loss of category C trees T21, T22 T23, T24, G25, G38, and B grade tree T10. However it should be noted that the removal of these trees was shown on the landscaping plans associated with the previous approval reference F/00247/08.

The proposals would leave limited scope for future landscaping. The applicant has agreed if the application was to be approved that a condition could be attached to ensure tree screening to the boundaries with properties on Princes Park Avenue and James Court prior to construction.

*Whether the proposals would have an acceptable impact on highway and pedestrian safety*

**Site location:**

The site is located on Golders Green road at its junction with Princes Park Avenue.

The site is out side the one hour Brent Cross one hour Brent Cross Station Control Parking Zone (CPZ). The CPZ operates from Monday to Friday during 11am and 12pm. There is also Pay by Phone bays on Golders Green Road in the vicinity of the development which operate from Monday to Sunday during 9am-5.30pm.

A ramped vehicular access is proposed for the development from Golders Green Road. A 1:10 gradient would need to be provided otherwise the ramp design would need to be in accordance with the Design Recommendations for multi-storey and underground car parks by The Institution of Structural Engineers.

118 parking spaces are proposed.

The assessment of parking provision for a residential development is based on Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable. However, for a PTAL Score at the lower end (say of 1 or 2) parking provision at the higher end of the council's parking policy range would be required. The PTAL Score for the site is calculated as 2.

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 4 or more bedroom units - 2.0 to 1.5 parking spaces per unit

For 2 and 3 bedroom units - 1.5 to 1.0 parking spaces per unit

For 1 bedroom units - 1.0 to less than 1 parking space per unit

Based on the above parking standards the parking requirement is calculated as follows.

18x1b = a range of (0.0 - 1.0) = 0.00 - 18.0 parking spaces required

09x2b = a range of (1.0 - 1.5) = 9.00 - 13.5 parking spaces required

20x3b = a range of (1.0 - 1.5) = 20.0 - 30.0 parking spaces required

28x4b = a range of (1.5 - 2.0) = 42.0 - 56.0 parking spaces required

This equates to a range of parking provision of 71 to 117.5 spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site. The PTAL for the above site is 2.

The proposed parking provision of 118 parking spaces is in accordance with the parking standards as stated in Barnet Local Plan, Delivery Management Plan. 10% of the parking provision is proposed for the disabled use.

Electrical Charging Vehicle points would be provided in accordance with the London Plan Parking Standards and will be conditioned.

The site is located within Brent Cross Station Controlled Parking Zone which operates from Monday to Friday 11am to midday.

#### Cycle Parking:

138 cycle parking spaces are also being provided which is acceptable for a development in this location.

The site is accessible by bus services: 83, 183, 210, 232 and 240. The site also has access to London Underground Northern Line services from Brent Cross Station.

#### Trip Generation

The Transport Assessment (TA) submitted with the application was prepared by Paul Mews Associates Traffic Consultants.

AM Peak (8am and 9am): The trip assessment has indicated that 23 vehicular trips are expected during the AM Peak. PM Peak (5pm and 6pm): 17 vehicular trips are expected for development during the PM Peak.

The development is likely to generate 437 person trips in total between 7am and 7pm.

The consultants have stated in the TA that Golders Green Road carries approximately 10,400 vehicles between per day. Based on this the development is estimated to have an insignificant traffic impact; a 0.025% impact when compared with the existing vacant site.

When the proposal's trips are considered in the context of the previous consented residential-led mixed use schemes ('C00513Z/07', 'C/00513/AA/08' and 'F/00247/08') rather than a vacant site the proposal will have an even lower / more insignificant net traffic impact on Golders Green Road.

Therefore, the net impact on public highway resulting from the additional trips generated by the development is likely to be minimal.

#### Safety

Personal Injury Accident data summary was provided for 36 months to the end of June 2013. Data was obtained for 250m highway sections from the junction of Golders Green Road with Princes Park Avenue.

The data shows 19 recorded accidents in the area. 1 was serious and 18 were slight accidents. There were no fatal accidents recorded.

The data demonstrate that the majority of the accidents do not share a common cause but majority of the accidents involving cars have been due to driver error/careless driving. It was concluded in the analysis that the highway layout does not present any defects that would raise a safety concern. Therefore, the small increase in traffic resulting from the proposed development is unlikely to have any detrimental impact on the highway safety.

No information has been provided in the TA with regards to the refuse collection arrangement. A condition will need to be placed on the application to ensure that adequate arrangement in place in accordance with the Council's refuse collection policy.

A robust construction management plan needs to be provided and careful consideration must be given to the optimum route(s) for construction traffic and the Development Regulatory Services should be consulted in this respect.

A Travel plan is proposed and will need to be included in the S106 Agreement. In order to ensure that the objectives of the proposed Travel Plan are met a 'Monitoring Contributions' of £5,000 for the residential development is required under Section 106. In addition a Travel Plan Coordinator for the travel plan must be appointed.

#### *Whether the proposals make adequate provision for affordable housing*

Policy DM10 of the Development Management Policies states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The applicant has submitted a viability report by GVA in support of the application which has been assessed independently by Deloitte. There has been further correspondence between Deloitte and GVA in an attempt to clarify the outstanding issues though they have been unable to agree the Benchmark Land Value with the applicant. Deloitte have accepted that the applicant has reasonably substantiated the construction costs associated with the development.

Deloitte have concluded that the scheme cannot viably sustain any affordable housing. (But have not made any conclusion on the site in general) However they have suggested that the Local Planning Authority monitor the position regarding viability over the course of construction and for these reasons a claw-back mechanism has been suggested.

#### *Whether the proposals would comply with sustainability and energy requirements*

The applicant has provided an energy statement which advises that it is envisaged that the proposals would achieve a 40% reduction in carbon dioxide emissions. The proposals would achieve this through use of air source heat pumps and photovoltaics. A condition could be attached securing these if the scheme was to be approved.

The scheme would need to comply with Level 4 of the Code for Sustainable Homes in accordance with the Supplementary Planning Document on Sustainable Design and Construction and London Plan policy 5.2.

*Whether the proposals would harmfully increase local flood risk*

Part of the rear of the site is located within Flood Zone 2. Environment Agency Guidelines advise that residential use is appropriate on such sites however a sequential test should be carried out. However, this has been discussed with the Environment Agency and given that no built development is taken place within zone 2 a sequential test is not required.

A flood risk assessment accompanies the proposals. The proposals make provision for flood attenuation and ensure that all of the building footprint is located outside the flood zone.

The applicant has provided a utilities statement which advises that:

- No additional gas services are required
- Air source heat pumps and photo-voltaic panels would provide electricity.
- Water supplies would be routed from Golders Green Road. An application has been made to Thames Water who have been consulted on the proposals and have no raised objection.

*Whether there are any other material planning considerations that would outweigh harm caused by the development*

The applicant has raised the issue of whether the fact that the development is not commercially viable is justification for the approval of the application despite the harm caused.

They have advised that the scheme is not viable and that this has been confirmed by Deloitte in their reports. They have also established that if a residential scheme equivalent to that previously approved under reference F/00247/08 (A policy compliant scheme) would not be viable.

The applicant states that a smaller scheme will be less viable than the scheme being considered, and that therefore this demonstrates and proves that no scheme that both meets NPPF criteria and is policy compliant is or can be viable.

Officers of the Local Planning Authority do not dispute that both the current scheme and policy compliant scheme may not be commercially viable, and that this is a material consideration that needs to be considered. However, this is likely to be a result of the amount that the developer has paid for the land. It is considered that the

scheme would result in significant harm to neighbouring amenity and the character and appearance of the area. The Local Planning Authority is of the view that the lack of viability in a commercial sense of the scheme does not justify the serious harm that the development would cause.

Furthermore, the information available suggests that even the current scheme is not commercially viable (albeit most likely to a lesser extent), and therefore it is suggested that the applicants arguments regarding this matter should be given limited weight. It is noteworthy that Deloitte have not concluded in their assessment on whether the scheme can support affordable housing that the site cannot support affordable housing.

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

Generally addressed in main report.

Access to homes - *The proposals should not limit access to neighbouring properties.*

Soil survey shows land is unstable. Digging out such a cavity will be unsafe. - *The proposals would need to comply with the building regulations.*

Right of light will be compromised - *Rights to light are a separate legal matter.*

Site contains woodland, which is home to wildlife. - *The applicant has provided an ecological assessment which states that no part of this development site or any adjacent area has any statutory or none statutory conservation designation or status. There is no suitable habitat type within the site for a viable population of any protected faunal species. However the central area of mixed scrub does have some avian fauna nesting value. Any development related clearance works must there for only be completed between September and February inclusive. Conditions can be attached to ensure this is addressed.*

Proposals reduce rural nature of site - *Whilst the site is vacant currently it was previously occupied by buildings.*

Noise pollution and disturbance from 75 flats - *It is considered that there would not be any harmful impacts in this regard given the site's location on a busy road.*

Emissions of petrol and carbon monoxide - *Environmental health officers have been consulted and do not object subject to conditions being attached.*

Noise from machinery such as air conditioning - *Environmental health officers have been consulted and do not object subject to conditions being attached.*

Lack of security is inappropriate - *It is not considered that this would present a significant security risk.*

Pathways and patios would provide no security - *It is not considered that this would present a significant security risk.*

Access via ramp would have to be gate locked - *It is not clear that the proposals would be harmful to local security in the absence of this.*

Borders of site need to be fenced off - *This would be secured by condition.*

Security lights are needed to patios, pathways and staircases. - *This would be secured by condition.*

Rodent Infestation - *Rodent infestation should be referred to environmental health*

Land Covenant - *This is not a material planning consideration.*

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

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

## **5. CONCLUSION**

Whilst the proposals would have the benefit of providing additional family sized dwellings within the borough, the benefits of the scheme are considered to be outweighed by the harm the development would cause in terms of the impact on the appearance of the locality, impact on neighbouring amenity, impact on highway safety and lack of provision for affordable housing.

Taking all relevant factors into consideration, the application is recommended for **REFUSAL**.



**SITE LOCATION PLAN: 290-294, Golders Green Road, NW11 9PY**

**REFERENCE: F/05593/13**



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**LOCATION:** Wren Academy, 41 Hilton Avenue, London, N12 9HB

**REFERENCE:** F/02808/14

**Received:** 23 May 2014 **AGENDA ITEM 14**

**Accepted:** 23 May 2014

**WARD:** Woodhouse

**Expiry:** 22 August 2014

**Final Revisions:**

**APPLICANT:** Wren Academy

**PROPOSAL:** New part single/part two/part three storey extension to create new two from entry Primary School in the grounds of the current Secondary School. Associated works to existing buildings and grounds and new kitchen extension

**Approve subject to referral to the Department of Communities and Local Government and Planning Casework (London)**

**Subject to a Section 106 Agreement**

**RECOMMENDATION I:**

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Highways Improvement (local to the site) £45,000.00**  
A contribution towards local highway improvements within the vicinity of the development. Including provision of a pedestrian crossing on Woodhouse Road and amendments to the road lay out on roads in the vicinity of the development including proposals as indicated on Drawing No. 3191/002/T/001 Rev. P02
- 4 **Requirement to submit Travel Plan £0.00**  
A full School Travel Plan meeting the criteria in the TfL booklet 'What a School travel plan should contain' should be submitted and agreed at least 3 months prior to occupation. The STP shall relate to all year groups on the whole school site and have a lifespan of at least 5 years. It will be reviewed annually and will be expected to achieve at least Bronze level STARS (Sustainable Travel; Active, Responsible, Safe) accreditation or equivalent for at least 5 years.
- 5 **Monitoring of the Agreement £7,000.00**

Contribution towards the Council's costs in monitoring the school travel plan and 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/02808/14 under delegated powers subject to the following conditions: -

**Plans:**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: T01, P02 rev B, T03 rev B, T04, T05 rev B, P06, P07, P08, T09 rev B, T11 rev B, T12 rev B, T13 rev B, T14 rev B, 004 P01, SE1180-303, SE1180-304, SE1180-305, SE1180-306, SE1180-307-P01, SE1180-308-P01, Transport Assessment 3191/002/R01/REV A, Draft Wren School Travel Plan 2014, Overshadowing Report 12<sup>th</sup> August 2014, Tree Impact Report 1-38-3372 3<sup>rd</sup> June 2014, Drainage and External Works Specification Report SE1180, Noise Impact Assessment Report 11458 NIA 01 Rev A, Planning Statement July 2014, Design Booklet, NBF Partnership, Proposed Primary School 3D Visuals, Energy Statement August 2014, Preliminary Ecological Appraisal May 2014, Site Survey North 22<sup>nd</sup> May 2014, Site Survey South 22<sup>nd</sup> May 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).

**Time Limit:**

- 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.

**Pre- commencement conditions:**

- 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 Details of the materials to be used shall be submitted to and approved in writing by the local Planning Authority in two phases. Prior to the commencement of development details of Submission of the materials for the staff car park/MUGA/Drop off zones shall be submitted and approved prior to the commencement of development and details for the external surfaces of the building(s) and hard surfaced areas for the new school buildings shall be submitted for approval one month prior to the commencement of that phase. 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 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.

- 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.

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).

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### 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.

**Prior to occupation:**

- 8 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).

- 9 Before the building hereby permitted is occupied the proposed window(s) in the key stage 1 building south elevation facing 48 Hilton Avenue 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).

- 10 Prior to the occupation of the new school buildings details of the proposed location and type of acoustic fencing to be used on the boundaries with the adjoining residential properties shall have been submitted to and approved in writing by the Local Planning Authority. the fencing shall be installed prior to the occupation of the new school buildings and thereafter permanently retained. Details of where the fencing is required shall have been pre-agreed with the Council's Environmental Health department.

Reason: To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with Policy DM04 of Development Management Policies (Adopted) September 2012.

**Construction:**

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

Reason:

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

### **Highways, Infrastructure, Parking and Servicing:**

- 12 Before the development hereby permitted is occupied vehicular parking spaces shown on drawing No 2569/T02 shall be provided and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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.

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

Reason:

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

- 14 Before the development hereby permitted is occupied, cycle parking shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure that adequate and satisfactory provision is made for cycle parking 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.

- 15 Before the development is occupied, details of the new access arrangement and the revised highway layout shall be submitted to the Planning Authority for approval and the approved works shall be implemented in accordance with the approved details.

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.

- 16 Before the permitted development is occupied a full management strategy



for the drop off and pick up zone to manage the delivery and collection of pupils shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest 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.

- 17 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan

- 18 A full School Travel Plan meeting the criteria in the TfL booklet 'What a School travel plan should contain' should be submitted and agreed at least 3 months prior to occupation. The STP shall relate to all year groups on the whole school site and have a lifespan of at least 5 years. It will be reviewed annually and will be expected to achieve at least Bronze level STARS (Sustainable Travel; Active, Responsible, Safe) accreditation or equivalent for at least 5 years.

Reason: In the interests of pedestrian and highway safety and the free flow of traffic 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.

- 19 The Warnham Road access will only be used for servicing and delivery and not as an entrance for pupils.

Reason: In the interests of pedestrian and highway safety and the free flow of traffic 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.

#### **Drainage:**

- 20 Six months prior to the occupation of the primary school a drainage strategy for the playing fields shall have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be implemented within the first available planting season following the approval of the details. The drainage strategy shall include a section detailing the strategy for sports provision at the school while the drainage works and re seeding of the playing fields is occurring.

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.

### **Trees and Landscaping:**

- 21 A scheme of hard and soft landscaping, including details of the retention of existing trees and the landscaping strip to the front of the site, shall be submitted to and agreed in writing by the Local Planning Authority. The details can be submitted in two phases information regarding the retention of the existing trees and the landscaping strip to the front of the site shall be submitted prior to the commencement of any development and the detailed landscaping scheme shall be submitted six months prior to the occupation of the new school.

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).

- 22 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.

- 23 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.

### **Noise, Odour and Air Quality:**

- 24 One month before work is commenced on the new school buildings, 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.

- 25 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.

- 26 One month before development commences on the new school buildings, 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.

### **Sustainability:**

- 27 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified in the adopted Sustainable Design and Construction Supplementary Planning Document (2013). 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 (2013) and policies 5.2 and 5.3 of the London Plan (2011).

- 28 Six months prior to occupation further details of the proposed Solar Panels (PV) to be located on the roof of the proposed extension shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location; number and height of the proposed panels and details to demonstrate how they will achieve the CO2 savings and energy outputs detailed in the approved energy strategy.

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 (2013) and policies 5.2 and 5.3 of the London Plan (2011).

**Other:**

- 29 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority.

The agreement shall apply to the use of both the MUGAs; playing fields and sports hall outside of school hours and during school holidays and shall include details of pricing policy; hours of use; access by non educational establishment users; management responsibilities and mechanisms for review and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any other time other than in strict compliance with the approved agreement.

Reason:

To secure well managed safe community access to the sports and education facilities, to ensure sufficient benefit to the development of sport and to accord with the requirements of the NPPF and Local Plan policy.

- 30 Notwithstanding the provisions of Part 32, Class A to schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order) no extensions to the school hereby permitted shall be erected without express planning permission first being obtained.

Reason:

To enable the local planning authority to retain control over these matters in the interests of controlling the intensity of use.

- 31 The use of the school buildings for the purposes hereby permitted shall only take place between the hours of 8.00am and 10.30pm on Saturdays and Sundays and between 7.30am and 10.30pm on all other days.

The use of the external sports facilities shall only take place between 8.00am and 6.00pm on Sundays and 8.00am and 9.00pm on all other days. On Saturdays and Sundays the facilities shall not be used for more than 5 hours in any one day.

Reason: In the interests of the amenity of occupiers of neighbouring residential properties in accordance with Policy DM04 of the adopted Local Plan.

- 32 Six months prior to occupation of the development a CCTV camera and equipment scheme detailing where CCTV cameras or equipment shall be affixed to the external elevations of the buildings, or placed/erected within the site shall be submitted to and approved in writing by the local planning authority. CCTV cameras shall be placed so as not to impact on the amenities of adjoining residential properties. Any CCTV cameras or equipment shall be installed and thereafter retained in full accordance with the approved details.

Reason: To enable the local planning authority to retain control over these matters in the interests of the amenities of adjoining properties.

- 33 The number of pupils based permanently at this primary school shall not exceed 420 and shall not include a nursery class.

Reason:

In the interest of highway safety as the current scheme was assessed on the impact of the site being a lower school and accommodating 450 pupils in year groups 7 and 9 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.

- 34 The school start/finish times for Wren Academy shall be staggered internally between the secondary and the primary school years for the academy.

Reason: In the interest 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.

- 35 A minimum of 50% of pupil places at the new primary school shall be offered as community places ie based on distance of the applicants home address from the Academy.

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.

- 36 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest 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.

- 38 No external lighting, floodlighting or other means of external illumination shall be affixed to the external elevations of the buildings, or placed/erected within the site without the prior written consent of the local planning authority pursuant to a planning application. Any external lighting, floodlighting or other means of external illumination shall be installed and thereafter retained in full accordance with the approved details.

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.

- 38 A report detailing the proposed lux levels and lighting levels at the facade of the closest habitable room window of the nearest sensitive premises shall be submitted to and approved in writing by the Local Planning Authority and the lights installed shall comply with the agreed levels thereafter.

Reason:

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

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

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

ii) In this case, formal pre-application advice was sought prior to submission of the application.

- 2 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Development and Regulatory Service, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 3 Woodhouse Road is part of Traffic Sensitive Routes from 8.00am-9.30am and 4.30pm-6.30pm between Mondays to Friday.
- 4 For construction works affecting the public highways, the applicant must contact the council's on 0208 359 2000 to obtain any necessary Highways Licenses if required prior to commencing works.
- 5 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 6 The applicant is advised that any works on public highway such as pedestrian crossing required to facilitate the development will need to be included in the Council's agreed works programme and would be subject to priorities and the available resources therefore the time scales cannot be guaranteed.
- 7 The applicant is advised that the proposed development will involve introduction of on-street waiting restrictions. This will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 8 The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
- 9 The applicant is advised that an application under Section 184 of the Highways Act (1980) must be submitted for a new heavy duty vehicular access. The access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: Development Regulatory Service, Traffic & Development Section – London Borough of Barnet, North London Business Park (NLBP)

Building 4, and Oakleigh Road South, London N11 1NP.

### **RECOMMENDATION III:**

That if an agreement has not been completed by 21/12/2014, that unless otherwise agreed in writing, the Director of Development Management and Building Control should REFUSE the application F/02808/14 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 for the installation of a new pedestrian crossing on Woodhouse Road and amendments to local road layout would be 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. 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 monitoring the travel plan be 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.

### **RECOMMENDATION IV:**

That if after the referral of the application to Sport England they maintain their objection to the scheme then the application be brought back for further consideration by Members at the Finchley and Golders Green Area Planning Sub-Committee.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework:

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

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

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

The NPPF states that the purpose of the planning system is to contribute to the



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

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

Policies 3.19, 5.2, 6.13, 7.1, 7.4

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.

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

#### Barnet's Local Plan (Adopted) September 2012:

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS8, CS10, CS11, CS13

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM15, DM16, DM17

#### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	C/06248/N/00
<b>Validated:</b>	16/06/2000	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	15/08/2000
<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	Retention of prefabricated classroom building.		

<b>Application:</b>	Planning	<b>Number:</b>	C/06248/T/08
<b>Validated:</b>	18/02/2008	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	15/05/2008
<b>Summary:</b>	APC	<b>Case Officer:</b>	Jo Dowling
<b>Description:</b>	Construction of new buildings for the Wren Academy with associated landscaping works including MUGA and demolition of one existing building.		

<b>Application:</b>	Planning	<b>Number:</b>	F/00121/12
<b>Validated:</b>	10/01/2012	<b>Type:</b>	S73

**Status:** DEC **Date:** 06/03/2012  
**Summary:** AP **Case Officer:** David Campbell  
**Description:** Variation of condition 14 (Obscure Glazing) pursuant to planning permission F/03327/11 dated 14/11/11 for 'Erection of two storey Specialism Centre adjoining the existing sports hall.' Wording to be changed as follows; Before the building hereby permitted is occupied the proposed windows(s) at first floor level in the east elevation facing the rear gardens of the properties in Bramber Road shall be glazed with obscure glass only and shall be retained as such thereafter. The opening of all windows in the east elevation facing the rear gardens of the properties in Bramber Road shall, except where required to open fully in the event of fire, be limited to 150mm only and shall be retained as such thereafter.

**Application:** Planning **Number:** F/00833/09  
**Validated:** 18/03/2009 **Type:** APF  
**Status:** DEC **Date:** 13/05/2009  
**Summary:** APC **Case Officer:** David Campbell  
**Description:** Amendment to planning permission reference C/06248/T/08 dated 14/05/2008 for construction of new buildings for the Wren Academy with associated landscaping works including MUGA and demolition of one existing building (amendments comprising of alterations to fenestration to the east elevation of north block).

**Application:** Planning **Number:** F/01007/13  
**Validated:** 26/03/2013 **Type:** APF  
**Status:** DEC **Date:** 21/05/2013  
**Summary:** APC **Case Officer:** Denisse Celi  
**Description:** Erection of single storey remote catering servery building.

**Application:** Planning **Number:** F/01113/12  
**Validated:** 23/03/2012 **Type:** APF  
**Status:** DEC **Date:** 17/05/2012  
**Summary:** APC **Case Officer:** David Campbell  
**Description:** Provision of external enclosed canopy adjacent to existing dining hall.

**Application:** Planning **Number:** F/01445/08  
**Validated:** 20/06/2008 **Type:** APF  
**Status:** DEC **Date:** 26/08/2008  
**Summary:** APC **Case Officer:** Claire Thorley  
**Description:** External Lighting: Installation of additional external lighting as part of school refurbishment works.

**Application:** Planning **Number:** F/01596/08  
**Validated:** 17/06/2008 **Type:** APF  
**Status:** DEC **Date:** 12/08/2008  
**Summary:** APC **Case Officer:** Claire Thorley  
**Description:** Proposed installation of two Biomass Boilers within plant room with below ground woodchip fuel storage & Boiler flues. Installation of Acoustic Attenuators for kitchen extract vent at roof level. Installation of air handling unit plant, condenser units, gas meter, and EDF low voltage panel at ground level within their respective enclosures and entrance ramp.

**Application:** Planning **Number:** F/03327/11  
**Validated:** 03/08/2011 **Type:** APF  
**Status:** DEC **Date:** 15/11/2011  
**Summary:** APC **Case Officer:** David Campbell  
**Description:** Erection of two storey Specialism Centre adjoining the existing sports hall.

**Site Address:** Christ Church C of E School Hilton Avenue N12  
**Application Number:** C06248A  
**Application Type:** Full Application  
**Decision:** Approve

**Decision Date:** 04/04/1979  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of new teaching block and temporary classroom - details of levels and material to be used**

**Site Address:** Christ Church C.E. School Hilton Avenue N12  
**Application Number:** C06248B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/06/1979  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of removable classroom unit for a limited period pending completion of new buildings.**

**Site Address:** Christ Church C.of E. Secondary School Hilton Avenue N12  
**Application Number:** C06248C  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 05/11/1979  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **erection of new teaching block and temporary classroom, formation of new access**

**Site Address:** Christ Church C.E. School Hilton Avenue N12  
**Application Number:** C06248  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 05/07/1978  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of new teaching block, temporary classroom and formation of new access.**

**Site Address:** Wren Academy Hilton Avenue North Finchley London N12 9NR  
**Application Number:** C06248R/07  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/12/2007  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Refurbishment and external alterations to existing 2No. buildings following demolition of remaining buildings. Erection of new sub station enclosure and associated landscaping works.**

#### Consultations and Views Expressed:

Neighbours Consulted: 131      Replies: 10  
Neighbours Wishing To Speak 1

The majority of the objections raised advised that whilst they supported the proposal of a new school at the site they had the following concerns:

2. Impact on traffic.
  - Current problems with on-street parking will be exacerbated.

- The Transport Assessment does not sufficiently consider the existing problems
- The area already suffers from traffic and parking problems because of Woodhouse College, The Wren and demand for parking from local residents this will make the situation worse.
- Concern about the impact of construction traffic using Hilton Avenue.
- Highway safety for pedestrians - especially school children. There are no traffic lighted crossings within 500m of the school.
- The proposed drop off zone will make pedestrian safety even worse with additional cars trying to enter/exit the site.
- Proposed car park is badly designed which means that parents are unlikely to use it and it results in the loss of playing fields
- The area is saturated with schools - Woodhouse College, the Compton, Summerside and the Wren. Two of these (Woodhouse College and the Compton) have recently been extended. As a result there are severe traffic problems in the area and this proposal will make the situation even worse.
- Noise disturbance from on-going operational deliveries and waste collections during unsociable hours.
- Loss of playing field.
- The site is not big enough to accommodate a primary school and as a result the proposal will be substandard in particular the external play space.
- There is a mobile phone mast within the grounds of the school which could impact on the health of children attending the school.
- The proposed playgrounds will be overshadowed by the existing/extended buildings which leads to a poor quality external environment for the pupils.
- The design risks overheating through the extensive use of rooflights.
- 50% of the school places should be for local children.
- The application does not detail whether the new school will be heated by the existing bio-mass boiler if it is there are concerns that this will increase the number of wood deliveries and particulate and nitrogen dioxide levels.
- Noise and dust from construction work.

Woodhouse College advised that whilst they were entirely neutral on the proposal and happy to see the Wren thrive they had a number of concerns regarding traffic. There are current problems with cars dropping off/picking up and traffic congestion around the start and end of the school day. This would be exacerbated by an expansion of the school and they are concerned about the safety of their students as well as those that attend the Wren. In addition as they have Year 13 students who drive and they are concerned that as a result of the proposals the opportunities for them to park nearby will be reduced.

Residents were reconsulted on amended plans. Two replies were received reiterating concerns regarding traffic, access and parking

#### Internal /Other Consultations:

- Traffic & Development - No objection subject to a number of conditions and S106 agreement. Comments contained within report.
- Environmental Health - No objection subject to a number of conditions
- Childrens Service - Support the application - comments contained within the

report

- Green Spaces (inc Allotments) - Object loss of light to adjoining allotments.
- Sport England - Object - loss of playing fields
- Environment Agency - No objection

Date of Site Notice: 26 June 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site is the former Christ Church, Church of England School which shut in 2005 and re-opened as The Wren Academy in 2008. The main school entrance and school buildings are located on the north eastern side of Hilton Avenue with the main school entrance being located at the end of Hilton Avenue. The site occupies the space between Hilton Avenue and Bramber Road. To the front of the school buildings are the playing fields which extend down to Woodhouse Road. The northern boundary of the site adjoins Woodhouse allotments. The existing site is approximately 3.7 hectares and levels drop approx 2.5m from south to north across the site.

In 2008 planning permission (our ref:C/06248/T/08) was granted for 'Construction of new buildings for the Wren Academy with associated landscaping works including MUGA and demolition of one existing building.' The school currently accommodates over 1,100 pupils from ages 11 (year 7) to 18 (year 13).

Woodhouse College a local sixth form college for around 1,000 students is located approximately 500m to the west of the site.

The area is predominantly residential, characterised by two storey low density family accommodation built in the 1930's.

The existing school buildings are located at the north end of the site with the playgrounds and playing fields in front. The current campus consists of original school buildings which date from the 1960's which have been extended and enhanced by the development approved in 2008. The buildings are institutional in appearance being mostly of concrete construction although the later additions are of brick, render and metal cladding. To the west of the main school buildings is the current staff and visitors car park.

To the rear of the main school buildings along the boundary with the adjoining allotments are a number of mature trees which are covered by a Tree Preservation Order (TPO).

The school has been calculated to have an indicative PTAL (Public Transport Accessibility Level) of 2, with 6 being the maximum score.

### Proposal:

The application is for a new part single/part two/part three storey extension to create

new two from entry Primary School in the grounds of the current Secondary School. Associated works to existing buildings and grounds and new kitchen extension

The proposal will enable the creation of an 'all through' school ie pupils will be able to remain at the site from aged 4 (reception) through to 18 (year 13).

The current proposal would see the creation of a two form entry(two classes per year group) primary school (420 pupils from reception through to Year 6). No nursery class is proposed.

The Wren Academy is a Church of England school and places at the proposed primary school will be allocated on the same basis as those for the secondary school with 50% of the places being community places ie on proximity to the school and 50% being foundation places ie based on faith. The foundation places are further sub-divided with 60% of places being allocated to children attending Church of England churches and the remaining 40% allocated to those attending a church of another Christian denomination in fellowship with the Church of England.

The proposed new primary school would be located at the top of Hilton Avenue in the area currently used as the staff car park and entrance plaza. The proposed school consists of two distinct elements which serve the needs of the Key Stage 1 (KS1) - reception to year 2 and Key Stage 2 (KS2) - year 3-year 6.

KS1 would be located on the site of the current staff/visitors car park and would consist of an 'L' shaped 1.5 storey building that would be located adjacent to the boundaries with Woodhouse College playing fields to the western boundary and No. 48 Hilton Avenue to the southern boundary. The proposed new building would be set approx 1m off the boundary with No. 48 and between 0.5-2m with Woodhouse College. This building would be approx 2m high to the eaves adjacent to No.48 with a mono-pitch roof that would pitch back to a height of approx 6m. In order to minimise the impact the building will be set into the levels to reduce height adjacent to the adjoining boundaries. A similar height and design are proposed along the boundary with the Woodhouse College playing fields. The new building would be inward facing with the external or outer elevations being blank facades with a number of high level windows this contrasts with the internal or inner elevation which is predominantly glazing with an integral canopy with clearstory windows above. The inner elevation would look out onto the KS1 playground in an open courtyard arrangement. The proposed playground would provide 425sqm of play area. A single storey (3m high) flat roofed glazed corridor would link this element to the KS2 and Secondary school buildings. The proposals have been laid out in this way to ensure that the KS1 classrooms are housed furthest from the secondary accommodation so there will be limited contact between these children and the pupils of secondary age.

KS2 consists of a part single/part two/part three storey extension to the existing school buildings. The extension would also include the relocated school entrance. The extension would be constructed on the current entrance plaza and continue to wrap around the rear of the building. The extension on the entrance plaza would be part single/part two storey and would accommodate the shared spaces - dining hall, school offices etc leading through to the KS2 classrooms and playground which

would be located at the rear of the existing school buildings. The proposed extensions would be constructed of brick and render and have been designed to reflect the design of the current school buildings. The proposed extensions would vary in height between approx 3m for the single storey element to approx 13m for the three storey element at the rear of the building. The proposed rear extension would be set between 1.5-3m off the boundary with the adjoining allotments. 315sqm of playspace is proposed. There are three TPO's along this boundary. The proposal would result in the removal of the trees in two of these TPO's. The KS2 buildings are located here as they would be closer to the secondary school. This will allow pupils to get used to secondary age children and will best facilitate effective curriculum links between older primary children and secondary teachers.

In addition to these extensions two further single storey extensions are proposed to the existing kitchens to enable them to have the capacity to serve the extended school. The kitchens are located to the rear of Nos. 53-59 Bramber Road. The application consists of two elements both of which would be single story, option A would in-fill an area between the main school building and an existing low level storage building. The proposed extension would have a floorspace of 6sqm. Option B would extend rearward the existing single storey kitchen over an area currently occupied by a set of steps. The proposed extension would be 4m by 10m, a set of access steps and platform lift would be located adjacent to the northern elevation. The proposed extension would be 8m from the rear boundary of the Bramber Road properties. The extension would be separated from these properties by an existing access road. The nearest main rear elevation would be 36m from the proposed extension. There are a number of mature trees along the boundary of the site in this location.

The final element of the proposal is the re-provision of the staff car park and the creation of a parent drop off/pick up zone and games area; connecting internal footpaths and new vehicular and pedestrian accesses from Woodhouse Road and Hilton Avenue. This would result in the creation of an area of hardsurfacing approx 100m long by 32m wide located at the front of the site adjacent to the boundary with Woodhouse Road. The area would be set 6m off the eastern boundary with 105 Woodhouse Road; between 11-17m off the western (Hilton Avenue) boundary and 6m off the boundary with Woodhouse Road.

The proposed hard surfaced area would be roughly divided in two with the eastern side re-providing the expanded staff car park which would accommodate 50 spaces. Access (entry and exit) would be via a new vehicular access from Woodhouse Road which would be located 42m west of the eastern boundary. The western side would accommodate a parent drop off/pick up zone during the start and end of the school day and an additional games area during the school day and after hours. The school drop off zone would be accessed via Woodhouse Road (entry) and exited via a new vehicular entrance on Hilton Avenue which would be located approx 14m north of the junction. Pedestrian footpaths are proposed on the eastern and western boundaries of the site linking the car park/drop off zone with the school buildings.

#### Background:

The Wren Academy is a Church of England secondary school based in North

Finchley. The Wren Academy opened in 2008 with an in-take of Year 7 pupils and has built on this on a year by year basis until it has pupils in all year groups from Year 7 through to Year 13 (upper sixth). The school was built on the site of Christ Church, Church of England school which shut in 2005 after going in to special measures and having a declining school roll. Christ Church when fully operational had 750 pupils (years 7-11) as it had no sixth form. The creation of the Wren Academy at the site in 2008 resulted in an intensification of use of the site as the pupil roll has increased to 1150 pupils (an increase of 400 pupils).

The Wren Academy is an OFSTED 'outstanding' Church of England School. Church of England schools around the locality are oversubscribed and popular. The Council's lead Commissioner for Schools, Skills and learning has advised that there is a very pressing need for additional primary provision within this area in order to ensure that all children can be offered a school place. Developing this proposal to provide additional Church of England provision helps meet this need and increase parental choice within the locality. The application is supported by Barnet Council's Education and Skills service who have worked with the Wren to help secure a Department of Education grant allocation towards the cost of providing the proposed school to help meet the critical shortage of school places in London and elsewhere. The nearest Church of England Primary school is St John's Church of England Junior and Mixed Infant (JMI) School in Friern Barnet, N11 approx 1 mile away. This is also rated as 'outstanding' by OFSTED and is currently oversubscribed with 5 applicants for every place at the school. St Pauls Church of England JMI School also in Friern Barnet is 1.2miles from the Wren. This is OFSTED rated 'good' school and is also oversubscribed with the 3 applicants for every place at the school.

Whilst Local Authorities retain their statutory duty to ensure appropriate planning of school places the most recent Education Act states that when a new school is required, the LA should seek proposals for a Free School or Academy as its first step. There are two ways in which Local Authorities can therefore meet their statutory duty by expressing a need for a new school.

If a Local Authority needs a new school, and is able to supply the building and capital needed, they can run a competition to establish their preferred provider for that school. The LA will then notify the Secretary of State of their preferred provider, and if the Secretary of State agrees, that provider will then open the school this is what has happened at Mill Hill East with the delivery of Millbrook Park Primary school.

If a Local Authority is unable to provide a building, or the necessary capital funding, the Targeted Basic Need Programme provides additional support to LAs with the greatest pressure on places. These LAs will be able to bid for funding, from the DfE, to establish or extend an Academy or Free School. This is what is proposed with this application.

#### Planning Considerations:

- Principle of development
- Intensification of the use
- Impact on the street scene
- Impact on the residential amenity of adjoining properties



- Highway safety and parking provision
- Sustainable design and construction
- Sports and playing pitch provision

### **Principle of development**

The Government issued the 'Planning for schools development' policy statement in August 2011. In this statement the Government pledged its support for the development of schools it stated that the creation and development of state funded schools is strongly in the national interest and that planning-decision makers can and should support the objective, in a manner consistent with their statutory obligations.

The statement outlines the Government's belief that the planning system should operate in a positive manner to schools. The statement requires Local Authorities to apply a presumption in favour of development of state-funded schools. This is further reinforced by para 72 of the NPPF which states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It tasks Local Planning Authorities to take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen the choice in education. Specifically it states that Local Authorities should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

The Council has worked collaboratively with the Wren Academy to help with the funding of the scheme and have supported the applicant through the provision of pre-application advice in order to frontload the planning application process.

The NPPF outlines that suitable infrastructure and services are needed in order to support new and existing economic development and to promote strong, stable and productive economies. In addition both the London Plan and the Local Plan recognise that the provision of education facilities are required in order to accommodate growth in a sustainable manner.

The London Plan advocates that the Mayor is committed to ensuring equal life chances for all Londoner's. Meeting the needs and expanding opportunities for all Londoner's - and where appropriate addressing the barriers to meeting the needs of particular groups and communities (Policy 3.1). Furthermore Policy 3.18 states that the Mayor strongly supports the establishment of new schools and steps to enable local people and communities to do this. The London Plan highlights the need to safeguard sports facilities and that new sites need to be identified to meet additional demands and changes in provision for education.

Policy 3.18 of the London Plan states:

- Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or changes of use to educational purposes.

- In particular, proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.
- Development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged

A key guiding principle of the adopted London Plan and the Boroughs corporate plan is to sustain the boroughs communities. Policy CS10 of the Local plan states that 'the council will work with our partners to ensure that community facilities including schools and community meeting places and facilities for younger and older people are provided for Barnet's communities'.

The proposals therefore would result in the provision of new education and sports facilities to cater for the needs of current and future populations which is consistent with adopted policy which seeks to ensure that an adequate supply of buildings are available for health facilities to meet the needs of the residents in the borough.

### **The current situation**

As outlined in the proposal section the Wren Academy currently operates a secondary school (years 7 through to 13) for 1150 pupils. 110 staff are employed at the site.

### **The proposed situation**

The proposal is to extend the school to provide an all through school to enable pupils to remain at the school from aged 4 through to 18. The school would grow on a year by year basis taking 7 years to reach full capacity.

The proposal, which forms the basis of this application, would see the phased development of the site to provide a new school building; enhanced playing fields (improved drainage to increase playability) and improved parking provision. On-site parking would be increased and a drop off/pick up zone for parents would be introduced. The existing School Travel Plan would be update to minimise the disruption caused by cars and to encourage more sustainable modes of transport.

### **Intensification of the use**

Due to the way that the site has evolved the use of the site currently operates in an unrestricted manner. The physical constraints of the current buildings providing a limit on the number of people on site at any one time.

The current proposal would increase the current capacity of the site by 420 pupils and 40 additional staff.

Policy DM13 (Community and education uses) advocates that:

- New educational uses should be located where they are accessible by public

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

The educational use of this site is well established with the previous school having been established on the site for over 30 years and the current school for the last six years. It is therefore considered that the principle of a secondary school in this location is well established.

The current proposals would see the provision of a new primary school in close proximity to both North Finchley and Friern Barnet thus enhancing the option of walking and cycling by pupils to the site. If members are minded to approve the application then the existing School Travel Plan would need to be updated to maximise the opportunities for sustainable modes of travel as the school grows to full capacity.

Due to the existing school the noise and disturbance generated by its activities previously, form part of the character of the area. Moreover, there is a further educational site (Woodhouse College) in close proximity to the site. The current proposal would see the erection of new school buildings in such a way that they would be sited so as to minimise the areas between adjoining residential properties and the school playgrounds thus placing the noise generating activities further within the site. The 'localising' of pupils and the formalising of such activities as walking buses and marshalled dropping off and picking up through a School Travel Plan should ensure that traffic generation from the expansion should be minimised.

The proposal is therefore considered to comply with Policy DM13 of the adopted Local Plan and the intensification of this use within the site is considered when balanced against the educational needs for the Borough to be acceptable subject to the submission of an updated School Travel Plan and a number of conditions managing traffic and parking at the site.

### **Impact on the street scene**

Chapter 7 of the London Plan sets out the strategic framework when considering the issue of design. Policy 7.1 advocates that Boroughs should seek to ensure development that:

- is designed so that the layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure (including green spaces);
- enables people to live healthy, active lives; maximise the opportunity for community diversity, inclusion and cohesion; and should contribute to peoples sense of place safety and security. Places of work and leisure, streets, neighbourhoods, parks and open spaces should be designed to meet the needs of community at all stages of people's lives, and should meet the principles of lifetime neighbourhoods;and
- the design of new buildings and the spaces that they create should help reinforce

or enhance the character, legibility, permeability and accessibility of the neighbourhood

Policy 7.4 states that development proposals should have regard to the form, function and structure of an area. In areas of poor or ill-defined character development should build on the positive elements that can contribute to establishing an enhanced character for the future of the area. This is further reinforced by policy 7.6 which advocates that development should be of the highest architectural quality.

At a local level the policies within the Local Plan seek high quality design in all new development which is in keeping with the councils objectives of sustainable development and ensures community safety (policies CS1, DM01 and DM02).

The site is surrounded on two sides by residential properties. The current school buildings sit back off the Woodhouse Road frontage and due to the drop in levels and current boundary treatment offer little street presence.

The proposal would see the development of the current car park and extension of the existing school buildings to the side and rear. The design of the new buildings and extensions has been designed to reflect the existing buildings through the use of materials and architectural features. The most visible structure from the streetscene will be the KS1 linking corridor which is a lightweight glazed structure that will enable glimpsed views through the site. The design of the buildings are considered to reflect their use and respect the existing buildings within the school campus. The proposal is therefore considered to accord with policies CS NPPF, CS1 and DM1 of the adopted Local Plan.

The proposed car park/drop off-pick up zone/games area will be located immediately adjacent to the Woodhouse Road boundary. Whilst the hardsurfacing in itself is not considered to adversely impact upon the character and amenity of the streetscene when the school is operational this area will be parked with cars and the current view of playing fields will be lost. Levels sharply rise from the back edge of the footpath so that the playing field is elevated approximately 0.5m above the adjoining pavement. This boundary currently benefits from a strip of mature vegetation which helps soften views into the site. The proposed parking area has been set back from the front and side boundaries to enable the existing planting to be maintained and enhanced in order to help screen views of the parking area. The adjoining Woodhouse College has a similar hard surfaced area for parking to the front of the site. It is therefore considered that the proposed parking area would not be out of character in the streetscene and subject to a condition requiring the provision of a landscaping strip, retaining as much as possible of the existing vegetation, to the front and side boundaries the proposal would not adversely impact upon the appearance of the streetscene. The proposal is therefore considered to accord with policies CS NPPF, CS1 and DM1 of the adopted Local Plan.

### **Impact on the residential amenity of adjoining properties and Woodhouse Allotments**

The issues of the intensification of the use and impact on the local road network will be considered separately. This section is therefore considering the impact of the

building and the sports pitches on residential amenity.

**Visibility:** The buildings have been designed in such a way as to utilise the drop in levels from front to rear of the site to minimise the bulk and scale of the buildings whilst providing sufficient accommodation for the applicants need. The buildings have been orientated on an east west axis with classroom windows facing north. The KS1 buildings would be the closest to the adjoining residential properties being set approx 1m off the boundary with No. 48. the proposed new KS1 building would run along the length of the boundary of this property. However, No.48 has single storey outbuilding and extensions immediately adjacent to the boundary with the Wren. These structures extend halfway down the rear garden area. Therefore, the main impact of the proposed new buildings will be on the less sensitive area at the rear of the garden. The building has been designed so as to minimise the bulk and mass of the building adjacent to the boundary by utilising the levels to drop the building down and using a pitched roof so that the majority of the mass of the new building is within the centre of the site. A number of high level windows are proposed and therefore the proposal is not considered to result in overlooking. It is therefore considered on balance that the proposed KS1 building would not adversely impact the residential amenity of No.48 Hilton Avenue.

**Impact on Allotments:** The proposed part single/part two/part three storey extension to the main building would be approx 21m from the nearest residential property. However, the proposed extension will wrap around the existing building and due to the orientation will result in a loss of light to the adjoining allotments. A sunlight and daylight study has been submitted in support of the application which demonstrates that the overshadowing results from the proposed Primary School extension at Wren Academy would not materially affect the use and enjoyment of the neighbouring Woodhouse Allotments when assessed in accordance with the guidelines given in London Borough of Barnet's Development Management Policies (DMP) and, more specifically, with the guidelines set-out in BRE report 'Site layout planning for daylight and sunlight: a guide to good practice' second edition (2011).

The proposed kitchen extensions have been located in such a way as to minimise their impact, the nearest extension would be located 36m from the nearest residential property. The extensions are located adjacent to the existing kitchens. The proposed extensions are therefore not considered to adversely impact upon the amenity of adjoining residential properties.

The proposal is therefore not considered to result in loss of sunlight or daylight to adjoining residential properties nor to result in overlooking or loss of privacy. The proposals are therefore considered to comply with policy DM01 of the adopted Local Plan.

**Noise and Disturbance:** The site has the potential to generate a noise nuisance to adjoining residents both from activities carried out within the site and from people entering/exiting the site and dispersing into the surrounding area.

The Council's Environmental Health section have advised that the new buildings should have appropriate sound insulating properties to prevent nuisance from internally generated noise. Conditions requiring this are recommended if Members

are minded to approve the application.

The main noise generating activities - the playgrounds have been located to the rear of the proposed buildings and extensions thereby creating a 'buffer' between the noise source and adjoining residential properties. The Council's Environmental Health section have advised that on balance they do not consider that the proposal would result in a noise nuisance to adjoining properties.

A number of residents have raised concerns that Bramber Road is being used for deliveries early in the morning and that the noise and disturbance of vehicles driving down the road and maneuvering within the site adversely affects their amenity. The current proposal would extend kitchen facilities and intensify the use and it is therefore considered that the current issues experienced by residents are likely to be exacerbated, if Members are minded to approve the application then a condition restricting the hours of servicing and delivery is recommended.

Given its location within a predominantly residential neighbourhood the current school buildings have an hours of use condition and it is considered reasonable to extend this to include the new school buildings.

It is therefore considered that subject to the imposition of these conditions that on balance the proposal would not result in a level of noise and disturbance to adjoining properties to such a level as to warrant a refusal.

### **Parking Provision and Highway safety**

#### Site Assessment of the Existing Conditions:

##### Vehicular Access:

There are two existing vehicle access points. The main site entrance on Hilton Avenue provides vehicular access to the on-site staff car park via a key fob system or intercom connected to the main reception. A secondary vehicle access on Warnham Road, also controlled by intercom linked to the main reception, provides vehicle access into the delivery / servicing yard and the disabled parking facilities.

##### Pedestrian Access:

The main pedestrian access for pupils and staff is taken from Hilton Avenue with the main gates open during peak arrival and departure periods. The gates are closed throughout the School day with access being gained via an intercom linked to the main reception. The service/delivery entrance on Warnham Road is also currently being used as a pedestrian entrance for pupils.

##### Staff Car Park:

The existing staff car park with 26 parking spaces is located to the northwest boundary of the site accessed from Hilton Avenue at the end of the cul-de-sac. Access can be gained throughout the day by staff via a key fob, or intercom linked to the main reception.

A disabled parking space is located to the north east of the site and can be accessed via Warnham Road.

#### Cycle parking:

There are 10 covered Sheffield stands and six uncovered Sheffield stands providing capacity for a total of 32 cycles. These facilities can be used by both pupils and staff. Cycle parking is located adjacent to the main entrance.

#### **Public Transport Accessibility (PTAL):**

The PTAL Score for the site is calculated as 2 using Transport for London model and is considered as a low accessibility level.

The site is served by bus routes 134, 221 and 683. The bus stops are located on Woodhouse Road approximately 300m in either direction.

New Southgate national rail station and West Finchley London Underground Station are located approximately 1.1km and 2.1km respectively. However, these are outside a reasonable walk distance to the site.

#### **Proposed Development:**

The proposal is for the development of a 2FE Primary School with capacity for 420 Pupil places at the existing Academy site on Hilton Avenue. As a result the staff parking is to be relocated in a new car park proposed at the front of the site off Woodhouse Road with access is to be provided from Woodhouse Road. A drop-off and pick-up area is also proposed at the front of the site with access from Woodhouse Road and exit via Hilton Avenue.

#### **Parking Provision:**

The current proposal would provide 50 staff car parking spaces include 1 disabled parking space.

The existing disabled parking space with access from Warnham Road entrance area is being retained.

The parking provision is in accordance with the parking standards as set out in the London Plan.

#### **Access arrangements:**

##### Existing access from Hilton Avenue:

The existing vehicular access and the staff car park are to be relocated from Hilton Avenue to Woodhouse Road. However, the Hilton Avenue pedestrian access will remain open to visitors outside drop-off and pick-up times to ensure the parents use the drop-off and pick-up area designated off Woodhouse Road.

#### Existing access off Warnham Road:

The applicant has confirmed that the access on Warnham Road is for service vehicles and disabled vehicle access only. As with the existing main access on Hilton Avenue, the Warnham Road access will not be open for student pedestrian access during pick up and drop off periods (a condition is recommended that restricts the use of this access for servicing/delivery only and will require students to use the new access on Woodhouse Road). During the school day if access is required it will be taken from the main access on Hilton Avenue.

#### New access from Woodhouse Road:

A new two way access arrangement is proposed on Woodhouse Road for the staff car park. It will also allow access only to the proposed drop-off and pick-up area.

#### New egress only access on Hilton Avenue:

A new egress (exit) only is proposed from the proposed drop-off and pick-up area to avoid congestion and conflict on Woodhouse Road and ensure safety of the pedestrians. This exit will only be operational at the start and end of the school day for parents using the drop off/pick up area. At all other times the main access from Woodhouse Road will be used.

#### Dedicated drop-off and Pick-up Area:

A dedicated drop-off and pick-up area located at the southern boundary of the playing fields, off Woodhouse Road is also proposed.

The new access will allow two-way access for the staff car park but the vehicular access for the dedicated drop-off and pick-up periods will be via a one way operation which will allow entry from Woodhouse Road and exit from Hilton Avenue.

The new access onto Hilton Avenue will be set approximately 55 metres from Woodhouse Road junction with Hilton Avenue. This will assist in reducing congestion on Woodhouse Road during the drop-off and pick-up times and also will help to limit the impact on residents in Hilton Avenue.

The drop-off and pick-up area will be dual use and will be used as a hard play area for pupils during the school day.

The strategy behind the relocation of the car park and Drop off area at Woodhouse Road is:

- i. to enable all proposed school buildings to be located adjacent to the existing Academy buildings;
- ii. Reduce the amount of driving by parents/visitors/staff on Hilton Avenue through the staff car park and the drop off zone; and
- iii. New footpaths significantly reducing the footfall of students/parents on Hilton Avenue during school hours.



### Management and Operation of the Drop-Off and Pick-Up Facility:

Although the details of the exact formation of the access and egress arrangement will be finalised by a condition additional information has been provided with the application to indicate how the facility will be managed.

During school drop off and pick up there will be an appropriate number of staff monitors (phased increase in line with the phased school intake) located at the facility to facilitate the drop off and pick up operation of the facility.

At full occupation there will be a minimum of three staff members (a senior member of teaching staff, a member of the site services team, and a member of teaching staff) on duty who will be supported by additional staff members who will be allocated on a rota system; this will include the Executive Principal and other members of the leadership team.

In addition to those facilitating the operation of the drop-off and pick-up facility, there will be two teaching assistants who will be responsible for facilitating the transition of students between the school and the drop-off and pick-up facility.

The above management and operation strategy will need to be formalised in the Travel Plan submission to ensure that the proposed solutions meet the Travel Plan requirements.

### **Pedestrian Access to the site:**

Pedestrian access during the peak drop-off and pick-up periods will be via two pedestrian footpaths accessed from Woodhouse Road, one intended for the Primary School pupils and parents/guardians (Hilton Avenue side) with the other (Bramber Road side) intended for the existing Wren Academy secondary pupils.

The existing pedestrian access at the end of Hilton Avenue will be closed during the drop off and pick up times but will remain open during the main school day to enable visitor access to the main school office without having direct access to the playing fields.

It is intended that the existing access from Warnham Road will remain and serve as servicing and delivery access only.

### **Cycle Parking Provision:**

There will be an additional 10 cycle stands, with capacity for 20 cycles provided as part of the proposed development. The existing 10 covered cycle stands and six uncovered stands will be relocated as part of the proposed development. In total there will be 36 cycle stands providing facilities for 72 cycles on the site. These will be available for use by both pupils and staff.

In addition to cycle parking an area is being provided for scooter parking for primary pupils for approximately 30 scooters within the designated scooter parking area.

The applicant has stated in the Transport Assessment that demand for cycle parking will be reviewed as part of the School Travel Plan process and additional facilities will be provided when demand arises.

The cycle parking provision is considered to be in accordance with the parking standards as set out in the London Plan.

### **Parking Surveys:**

The applicants consultants carried out parking surveys on roads in the vicinity of the development to access the on-street parking availability during the drop off and pick up times for the Academy. The surveys were carried out on Thursday 28<sup>th</sup> November and Tuesday 3<sup>rd</sup> December 2013.

The survey results indicated that on-street parking between 40% and 48% of the available on-street parking is available during the morning and afternoon peak.

This level of availability is considered acceptable as the school is providing drop-off and pick up parking area within the site which will compensate for the demand for parent parking from this proposal for the duration of drop-off and pick up.

### **Personal Injury Accident analysis:**

The consultants obtained personal injury data from Transport for London for 5 year period ending in July 2013 for an area comprising 400m surrounding the site.

The personal injury accidents were analysed in order to identify accident hotspots and any local accident trends which might affect the safety of children attending Wren Academy.

129 personal injury accidents were recorded during this period of which 1 was a fatal accident, 15 serious accidents and 113 were slight accidents.

No accidents were recorded on the Zebra Crossing by the school in Woodhouse Road or close to rear access of the Academy in Warnham Road. 1 slight accident was recorded in Hilton Avenue as a result of a 13 year old pedestrian falling ill and stumbling into the side of a passing car. Therefore, no accident trends or patterns were observed in the vicinity of the school which are likely to be exacerbated by the proposal of new school in the area.

### **Junction Assessments:**

Criteria used for assessing junctions are as follows:

The performance of the signalised junctions was assessed using Degree of Saturation (DoS) and maximum queue lengths. The DoS threshold figure of 90% would indicate that the relevant arm is nearing theoretical capacity and the queuing on the arm would start to rise at this point.

Junction assessment using ARCADY and PICADY modelling which measure a Ratio of Flow to Capacity (RFC). A RFC with a threshold value of 0.85 would indicate that the arm is approaching theoretical capacity and that the spare capacity is minimal.

**The following junctions on local highway network were reviewed to assess the impact of the existing base conditions.**

**Woodhouse Road (A1003)/ Colney Hatch Lane (B550)/ Friern Barnet Road (A1003)/Friern Barnet Lane (B550) signalised junction:**

The junction was assessed using the LinSig software and TfL's signal data during the traffic flow surveys in December 2013 during the AM Peak hour (0800 – 0900) and school PM Peak hour (1500 – 1600) the result showed that the junction is operating within capacity for both the AM and PM Peak.

**Woodhouse Road (A1003)/ Summers Lane/ Woodleigh Avenue roundabout:**

The junction was assessed using the ARCADY software using data recorded during the traffic flow surveys in December 2013 for the AM Peak hour (0800 – 0900) and school PM Peak hour (1500 – 1600) the result showed that the junction is operating with significant spare capacity for both the AM and PM Peak.

**Woodhouse Road (A1003)/ Kingsway (A598)/ High Road (A1000) signalised junction:**

The junction was assessed using the LinSig software and TfL's signal data during the traffic flow surveys in December 2013 during the AM Peak hour (0800 – 0900) and school PM Peak hour (1500 – 1600) the result showed that in the AM peak, Woodhouse Road is the only arm to operate above the 90% DoS figure, while in the PM peak all arms have sufficient spare capacity.

**Hilton Avenue/ Woodhouse Road (A1003) priority junction:**

The junction was assessed using the PICADY software using data recorded during the traffic flow surveys in December 2013 for the AM Peak hour (0800 – 0900) and school PM Peak hour (1500 – 1600) the result showed that the junction is operating with significant spare capacity for both the AM and PM Peak.

**The existing junctions discussed above were further assessed for opening year 2015 and for future year 2021 assessment during the AM and PM peaks as follows:**

**Woodhouse Road (A1003)/ Colney Hatch Lane (B550)/ Friern Barnet Road (A1003)/Friern Barnet Lane (B550) signalised junction:**

**AM peak:**

- In 2015 during the AM Peak the above junction the Woodhouse Road approach would exceed the 90% DoS value in one lane and the addition of development traffic in 2015 would only result in negligible impact on the junction as a whole.

- The result of the assessment for both the base 2021 and with development assessment indicate that Friern Barnet Lane, Colney Hatch Lane and Woodhouse Road would all exceed the 90% DoS threshold figure with Woodhouse Road operating in excess of capacity.
- The TA recognises that the queue lengths indicated between the 2021 base and with development is nominal with the exception of Woodhouse Road which exceeds maximum capacity of 100% DoS.
- The TA states that once the junction models exceed 100% DoS they become unstable and as such the results are no longer reliable and are not considered to be accurate.

PM peak:

- The results shows that in 2021 base assessment, Friern Barnet Lane and Woodhouse Road would exceed 90% DoS threshold value with Woodhouse Road operating at capacity.
- The difference in DoS and queue lengths indicated between the 2021 base and with development traffic is nominal with the exception of Woodhouse Road which exceeds the maximum capacity of 100% DoS.
- As noted with the AM peak once the junction models exceed 100% DoS they become unstable and as such the results are no longer reliable and are not considered to be accurate.

Woodhouse Road (A1003)/ Summers Lane/ Woodleigh Avenue roundabout:

- The assessment of this junction with the development traffic in 2021 indicated that there would be a marginal impact to the functioning of the junction with the junction arms continuing to operate with sufficient spare capacity during the AM and PM peak operation.

Woodhouse Road (A1003)/ Kingsway (A598)/ High Road (A1000) signalised junction:

AM peak:

- In 2015 during the AM Peak the above junction the Woodhouse Road and Kingsway approaches continue to operate at marginally above the 90% DoS.
- The assessment shows that in 2021 during the AM Peak the Woodhouse Road and Kingsway approaches would operate above the capacity and would result in additional queuing as a result of the junction being saturated.
- The TA recognises that the queue lengths increase from 15 to 34 vehicles on Woodhouse Road and 18 to 40 vehicles on Kingsway with the addition of development traffic. The TA states that once the junction models exceed 100% DoS they become unstable and as such the results are no longer reliable and are not considered to be accurate.

PM peak:

- The assessment shows that in 2021 during the PM Peak the Woodhouse Road and Kingsway approaches would all operate within capacity, however all approaches would function close to 90% DoS threshold value.
- The addition of the development traffic would lead to Woodhouse Road and

Kingsway operating in excess of 90% DoS possibly resulting in increased queuing on Kingsway and Woodhouse Road.

Hilton Avenue/ Woodhouse Road (A1003) priority junction:

- The assessment of this junction with the development traffic in 2021 indicated that there would be a marginal impact to the functioning of the junction with the junction arms continuing to operate with high level of spare capacity during the AM and PM peak operation.

Measures Proposed to Mitigate the likely Impact on junctions:

- The analysis of the junction assessments carried out in the Transport Assessment indicated that the two modelled signalised junctions would exceed capacity in the 2021 future assessment year irrespective of the proposed development traffic in place. Therefore mitigating measures to optimise the junction operations were modelled at these junctions.
- However, any proposals to mitigate impact on signalised junction would require consultation with Transport for London (TfL) and the mitigation measures will have to be approved by them as all signals within London are managed by TfL.

**Trip Assessment:**

Existing Trip Generation:

The existing trip generation by pupils indicate that 78.1% of the trips are by non-car modes with 26.6% travel on foot or cycle and 51.5% travel by public transport. Only 18% of the trips are by car.

Predicted Trip Generation:

The predicted trip generation for the Primary school pupils expected to travel by car is 26%. This is likely to result in 109 vehicle trips associated with the proposed Primary School. 66% of pupils are predicted to travel by sustainable modes of transport (walking, cycling and public transport).

The predicted trip generation for the proposed 40 staff members is likely to be 32 staff travelling by car and the remaining travelling by sustainable modes of transport.

**Mitigating Measures to reduce impact on public Highway:**

The school has proposed mitigation strategy to manage the impact of the proposed development as follows.

Provision of Drop-off and Pick-up Area within the site:

The proposal is to provide new footpaths and drop-off and pick-up area for pupils within the site. This is to ensure that the impact on surrounding roads as a result of

parents parking can be minimised. The proposal is to allow access from Woodhouse Road and exit only from Hilton Avenue. This would assist in reducing detrimental impact on roads in the vicinity of the site.

The drop off- and pick area will be closed off during other times as the area will be used for sports activities. The pedestrian entrance from Hilton Avenue will be kept closed during the drop off and pickup times but will stay open at other times for visitor access.

The school has provided the following additional information explaining the operation of drop-off and pick up facility and extra-curricular activities and child car club.

#### Management and Operation of the Drop-Off and Pick-Up Facility:

- During its operation there will be an appropriate number of staff monitors (phased increase in line with the phased school intake) located at the facility to facilitate the operation of the facility.
- At full occupation there will be a minimum of three staff members (a senior member of staff, a member of the site services team, and a member of staff) on duty who will be supported by additional staff members who will be allocated on a rota system; this will include the Executive Principal and other members of the leadership team.
- The school monitors will also restrict vehicles from entering or queuing to enter the facility once it is full to ensure that congestion does not occur on Woodhouse Road affecting the free flow of traffic.
- The facility will operate between 08:00 – 08:45 and 15:00 – 15:45.

#### The school has also provided additional information on the Extra-Curricular Activities and Child Car Club as follows:

A child car club will operate from 07:30 before the start of the main school day, and until 18:00 after the end of the main school day. At full capacity it is expected there will be approximately 60 children attending. Provision for this service will be phased in line with the phased school intake.

There will be an academic catch up club before school from 08:00. It is expected that, at full capacity there will be approximately 30 students in attendance.

There will be after school clubs for sporting and artistic activities. The finish times of these will vary depending on the activity but would typically be between 16:00 – 17:00. There are anticipated to be approximately 50 students attending these sessions.

As a result in total there will be approx 90 students arriving before the morning peak hour, and approx 110 pupils leaving outside the afternoon peak hour. This is reduction of 21.5% of total students in the morning peak hour and 26.1% of students in the afternoon peak hour.

#### Parking Provision:

Current on site parking provision for staff is 26 spaces in the car park adjacent to the main school entrance in Hilton Avenue. The new car park will provide 50 car parking spaces for staff (an increase of 24 spaces) are being provided to cater for both the primary and secondary staff.

#### Vehicular Access for Staff:

The staff car park is to be relocated off Woodhouse Road and the two way access to the staff car park would be from Woodhouse Road.

#### Delivery/Service Access:

Delivery and service access to the site is to be retained from Warnham Road as per the current arrangement but would not allow access for drop off and pick up.

#### Proposed Revised Road Layout:

The applicant has submitted as part of the planning application Drawing No. 3191/002/T001 Rev.P02 showing alterations to existing road layout in the vicinity of the site in Woodhouse Road. However, details of any offsite work may need to be carried out under S184 of the Highways Act or under a S278 Agreement.

#### Proposed school operation:

It is proposed that the primary school will operate a different starting time and finish times to the secondary provision to improve the spread of vehicular trips associated with drop-offs and pick –up over longer period. If Members are minded to approve the application further details of this arrangement will be dealt with by a condition.

It is also proposed that breakfast clubs, before school activities and after school clubs and activities for primary pupils will further assist in spreading the peak traffic and reducing the impact on the parking demand.

#### School Travel Plan:

A School Travel Plan was submitted with the planning application. The School Travel Plan Co-ordinator has provided detailed comments in response to the information submitted with the planning application on Travel Plan which will need to be taken into account by the applicant when submitting the School Travel Plan.

In addition Members are requested to attach a condition requiring a full School Travel Plan meeting the criteria in the TfL booklet 'What a School travel plan should contain' to be submitted and agreed at least 3 months prior to occupation of the proposed primary school. The STP shall relate to all year groups on the whole school site and have a lifespan of at least 5 years. It will be reviewed annually and will be expected to achieve at least Bronze level STARS (Sustainable Travel; Active, Responsible, Safe) accreditation or equivalent for at least 5 years.

In addition a contribution towards monitoring funding is recommended.

## **Proposed Pedestrian Crossing Facility and amendments to public highway in the vicinity of the development:**

In addition to the mitigating measures provided by the school a new formal crossing would be required in the close proximity of the proposed new access on Woodhouse Road to ensure that pedestrian access is improved and facilitated.

The applicant has proposed alterations to road markings, introduction of School Keep Clear markings and possible amendments to waiting restrictions on roads in the vicinity of the development.

### **S106 Contributions:**

If members are minded to approve the application then the following Section 106 contributions are recommended:

- £30,000 of contributions towards the provision of a pedestrian crossing on Woodhouse Road.
- £15,000 to provide amendments to the road lay out on roads in the vicinity of the development including proposals as indicated on Drawing No. 3191/002/T/001 Rev. P02 submitted by the applicant as part of the planning process and is subject to review and approval by the Highway Authority.
- A full School Travel Plan meeting the criteria in the TfL booklet 'What a School travel plan should contain' should be submitted and agreed at least 3 months prior to occupation. The STP shall relate to all year groups on the whole school site and have a lifespan of at least 5 years. It will be reviewed annually and will be expected to achieve at least Bronze level STARS (Sustainable Travel; Active, Responsible, Safe) accreditation or equivalent for at least 5 years.
- £5,000 Travel Plan monitoring fee is to be secured.

The development is therefore considered to comply with the requirements of the London Plan, Policy DM17 of the adopted Local Plan and can be recommended for approval on highways grounds, subject to the conditions and contributions outlined above.

### **Sustainable design and construction**

The NPPF underpins the Government's approach to the planning system through sustainable development, mixed use and design. The NPPF promotes and encourages the use of renewable energy. The concept of sustainable design is further built upon at a strategic level with the policies contained within the London Plan and the Mayors Energy strategy. At a local level there are a number of policies within the adopted Local Plan which seek to ensure that development and growth within the borough is sustainable which has been further enhanced by the Supplementary Planning Document (SPD) on Sustainable Design and Construction which sets out essential and preferred environmental design standards against which planning applications will be considered.



An Energy Strategy accompanied the application taking into consideration these national, regional and local sustainability policies and guidelines.

The proposed development is therefore considered to have taken into account sustainable design, construction and development issues whilst balancing the requirements of social, economic and environmental factors. The current proposals have been designed to maximise the natural benefits of the site and reduce energy consumption through numerous measures including solar shading, intelligent building and lighting controls, natural ventilation etc.

The orientation of the teaching blocks to face north and south optimises day light from both aspects while being able to more easily control and limit solar gain. The use of natural day lighting across the buildings will result in a reduction in energy consumption within the building as well as delivering a high quality of light, making the spaces feel more uplifting.

The general form of the buildings allows for natural ventilation of the majority of the space which as well as resulting in energy savings will place less demand on plant and helps minimise the impact on the amenity of local residents.

The school currently has a biomass boiler which provides hot water and heating to the entire school. The boilers are matched with high efficiency gas boilers that can provide additional heat when rapid high demand is experienced or in the event of a failure of the biomass system. However, due to the distance of the new buildings from the existing boilers and the additional capacity required it is considered impractical to expand this facility due to the limitations on space for additional storage and expansion of the facility. It is therefore proposed that solar (PV) panels will be located on the roof of the three storey extension to provide energy and will enable a 35% CO<sub>2</sub> saving for the proposed new elements.

The proposed measures would give a total contribution from renewable energy sources of approximately 35% which is in conformity with the Mayor of London's policy. Furthermore, it is considered that the proposal would contribute significantly to sustainable development in Barnet by localising and enhancing access to education and sports facilities thereby reducing the need for residents to travel.

The proposal is therefore considered to be in accordance with national guidance; the Mayor's Energy Strategy and Policies 5.2 and 5.3 of the London Plan; policies DM02 and DM04 of the adopted Local Plan and the guidance contained within the Boroughs SPD on Sustainable Design and Construction. It is recommended that these sustainability measures be secured by planning condition.

### **Sports and Playing Pitch Provision**

The NPPF advocates that local authorities should give careful consideration to any planning applications involving development on playing fields. This is further built upon at a strategic level with Policy 7.18 of the London Plan. At a local level Policies CS7 and DM15 of the adopted Local Plan which seek to protect playing fields in accordance with government policy. The current application is for the construction of

a new primary school on the existing staff car park. As a result the application also includes a proposal to relocate and extend the staff car park which due to the physical limitations of the site would be reprovided at the front of the site on an area of land that currently forms part of the school playing fields. The current playing fields are approximately 1.97 hectares in size.

The proposal will result in the reduction of the quantum of existing grass playing fields through the footprint of the car park/drop off-pick up area/MUGA and the new access paths. The playing fields consist of approximately 1.97 hectare whilst the proposed development compromises a footprint of 1,270sqm which would leave approx 1.8 hectares of playing field i.e. approx 10% reduction in provision.

However, to address this loss the proposals include the creation of a second Multi Use Games Area (MUGA) which will provide facilities for five aside football; netball; hockey; basketball and tennis. At the beginning and end of the school day the MUGA will be used as the drop off/pick up zone for pupils at the primary school. In addition the proposal will result in the upgrading of the remaining playing field through enhanced drainage enabling it to be used for the following activities football;cricket; athletics (including both field and track); training quads and cricket nets. The proposed drainage improvements should enable the field to be used throughout the year. This accords with London Plan Policy 3.19 which encourages proposals which will enhance the provision of sports and recreation facilities.

The original consent for the Wren Academy included a condition (no. 38) that required the submission of a community use scheme for the use of the buildings, playing fields and Multi Use Games Areas in order to secure community access to the sports and education facilities provided at the site by the wider community. A similar condition is recommended again.

The NPPF (para 72) emphasis the importance of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. However, this needs to be balanced against para 74 which states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Para 12.5.1 of the Core Strategy advocates that the borough is relatively well provided for in terms of distribution of playing pitches with 277 pitches covering almost 160 hectares. This equates to 0.51 hectares of playing pitches per 1,000 residents and almost the entire borough is within 1.2km of a playing pitch. However, it goes on to acknowledge that despite good geographical coverage there is demand for additional provision because of issues related to quality of the existing pitches (mainly due to poor drainage).

At a more local level in 2009 as part of the proposals to redevelop Finchley Memorial

Hospital on Bow Lane playing fields an audit of open spaces within a 2km radius of that site was undertaken. The Wren Academy is approx 650m from Finchley Memorial Hospital and therefore it is considered that the findings of that audit provide a starting point from which to assess the playing field provision within the area. At the time of the audit 47 sites within the study catchment provided opportunities for active recreation. Since the audit a number of these facilities have been enhanced eg the Bow Lane playing fields at the hospital site have come back in to use; floodlighting has been approved for the Power League facility at the Compton School, a new all weather pitch is currently under construction at the Archer Academy etc. This exceeds the 0.51 hectares of playing pitches per 1,000 residents identified in the Core Strategy.

The current playing fields are poorly drained and often unusable due to water logging which manifests itself by the formation of large pools of standing water at times of heavy rain. The proposals will rectify these drainage issues enabling the pitches to be used throughout the year. In addition as outlined above the proposal will result in the creation of a second MUGA at the school and as a result while the proposal would result in a reduction in the quantum of provision on-site the quality and playability of provision will be enhanced. A condition requiring community access so that the benefits of the new provision are also experienced by the wider local community is also recommended. Finally, when this 'loss' is considered in the context of the wider local provision and the need to provide sufficient choice of school places the application is considered to comply with the requirements of the NPPF, Policies CS7 and DM15 of the adopted Local Plan.

Sport England have formally objected to the application as the development would result in the loss of playing field land contrary to para 74 of the NPPF. They have advised that should the council be minded to grant planning permission then in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and the National Planning Policy Guidance the application has to be referred to the Department for Communities and Local Government and Planning Casework (London) for consideration as outlined in Recommendation I.

### **Other Issues**

Finally, a number of trees at the site have the benefit of a Tree Preservation Order (TPO). As a result of the current proposal the trees protected by a group TPO on the rear boundary of the site with the allotments would be removed in order to enable the development. This group consists of a number of poplar trees that have been the subject of previous tree works. Policy DM01(k) advocates that trees should be safeguarded. When protected trees are felled the Council will require replanting with suitable size and species of tree where appropriate. The loss of these trees is in this instance considered acceptable given the need for the school building and the fact that the trees have already been the subject of previous tree works, including the removal of a number of them which has diminished the group value. Replacement planting is proposed as part of the indicative landscaping scheme albeit that they would be located on the Woodhouse Road frontage.

Other trees including those along the boundary with the Bramber Road properties would be retained. With the exception of 1 tree none of these trees have the benefit

of a TPO. It is considered that through a number of conditions regarding protective fencing etc these trees could be successfully retained.

#### The Three Strands Approach (PEG)

In 2005 the Council developed the Three Strands Strategy (PEG) to protect all that is excellent about Barnet whilst enabling the Council to respond to the needs of the community. The Three Strands approach is based around the three strands of protection, enhancement and growth. The application site falls within the remit of all three strands. For the reasons outlined above the proposal is not considered to adversely impact upon the character and appearance of the surrounding residential (strand one [protection]); the proposal would result in the provision of a high quality, well designed educational establishment (strand two[enhancement]) and provide expanded facilities (strand three [growth]). The proposal is therefore considered to accord with the Three Strands Approach and the priorities of the corporate plan.

#### The Corporate Plan

Barnet Council's vision and strategy is to create and deliver successful suburbs for a world class city. The provision of access to quality education is a key component of this strategy. To this end the Corporate Plan highlights as a key priorities to create better life chances for children and young people across the borough and to promote family and community well being and encourage engaged, cohesive and safe communities. The proposal provides Barnet with a significant opportunity to help deliver improved educational and sports facilities for residents, contribute to the boroughs social, economic and environmental well-being and deliver sustainable development and a public sector exemplar building of quality.

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

The majority of these have been considered in the appraisal section however the following specific responses can be made:

- As outlined in the parking provision and highway section of the above report the proposal is considered satisfactory on highways grounds and would not adversely impact on parking and traffic flows within the area to such a level as to warrant a refusal.
- If Members are minded to approve the application a section 106 agreement is recommended to provide a new pedestrian crossing point on Woodhouse Road.
- A condition is recommended to limit the hours that deliveries and servicing can occur at the site.
- As outlined in the loss of playing field section whilst it is acknowledged that the proposal would result in an approx 20% loss of playing fields, sports provision at the school will be enhanced and this when considered with the community benefits delivered by the provision of the additional school places is considered to outweigh the harm caused by the loss.
- The proposal has been considered by the DfE as part of the bid for funding. The DfE is satisfied that the proposed new buildings can accommodate a two form entry primary school and on this basis funding has been approved for the scheme.
- There impact of the mobile phone mast on the health of children attending the

school will be the same as currently experienced by pupils.

- The proposed playgrounds will be overshadowed by the existing/extended buildings which leads to a poor quality external environment for the pupils.
- The building and extensions have been orientated so that the main classroom windows face north thereby maximising natural light but minimising solar gain.
- 50% of the school places will be for local children.
- The new school will not be heated by the existing bio-mass boiler.
- A condition requiring the submission of a construction management plan is recommended to minimise the impact of construction on adjoining residential properties.

#### **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**

The development proposes the erection of a new primary school that would specialise in providing high quality educational facilities to meet an identified national and borough need. Whilst it is acknowledged that the development would result in the loss of playing fields it is considered given the re-provision of enhanced sporting facilities and the overriding community benefits in providing the new school the proposal would be in accordance with current national, strategic and local policy.

Furthermore, the proposal is considered to accord with other relevant planning policies and guidance at national, strategic and local levels. In particular:

- It would deliver the objectives of sustainable development through the use of good design and renewable energies and could contribute significantly to the objectives of sustainable development in Barnet;
- Delivers new and accessible facilities that can be used by the wider community;
- Minimises the visual impact of the proposal on adjoining land by the careful use of design and landscaping;
- Enhances the quality of sport and playing pitch provision at the site; and
- Can be accessed in a way as to minimise disruption to the local road network.

The proposal will enable the Council to control how the site is used in order to minimise the impact on the amenity of adjoining residents. Details of how the site is to be managed and measures to be provided to minimise the potential disruption from activities at the site will be required to be submitted and reviewed on a regular

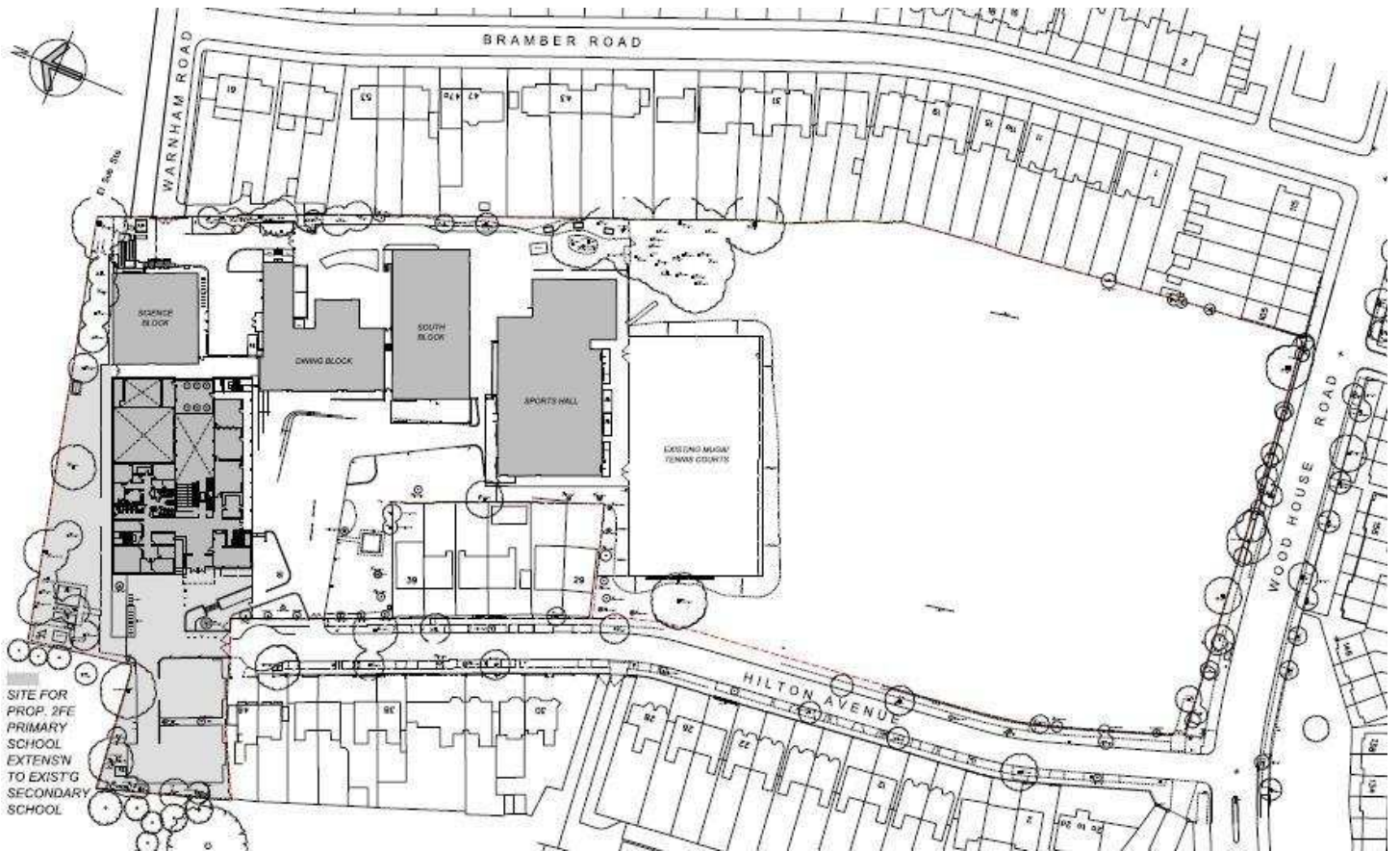
basis.

The proposal is therefore considered to be in line with current national and strategic legislation and subsequently the policies contained within the adopted Local Plan.

Accordingly, subject to the signing of a Section 106, Approval is recommended.

**SITE LOCATION PLAN:  
9HB**

**Wren Academy, 41 Hilton Avenue, London, N12**



**REFERENCE:**

**F/02808/14**

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

AGENDA ITEM 15

**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. External alterations with new windows and doors to front and side elevations

**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**

**The application was deferred at the last meeting of the committee to allow officers to undertake further consultation.**

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

**Status:** DEC **Date:** 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:** 73 Avondale Avenue, London, N12 8ER

**AGENDA ITEM 16**

**REFERENCE:** F/04267/14

**Received:** 06 August 2014

**Accepted:** 20 August 2014

**WARD(S):** West Finchley

**Expiry:** 15 October 2014

**Final Revisions:**

**APPLICANT:** Lipman Properties

**PROPOSAL:** Demolition of existing building and erection of 2No. two storey dwelling houses . Associated car parking, refuse & recycle storage area.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 4607 01, 4607 02 C, 4607 04, 4607 05 B, 4607 06 B, 4607 07 C, Planning Statement and 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.

- 3 Before development hereby permitted is occupied, parking spaces and cycle parking shown on plan number(s) 4607 02 rev C 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. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

Reason:

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

- 7 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 and E of Part 1 to Schedule 2 of that Order shall be carried out at the application site or to the development 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).

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevations.

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

Reason:

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

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

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

applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

- 2 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 £10,500 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 £40,500 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 If the development is carried out it will be necessary for a vehicle access to be constructed by the Highways Authority. The applicant must submit an application under the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed as part of the application. Any related costs for alterations to the public highway layout that may be necessary, due to the design of the onsite development will be borne by the applicant. The applicant should submit a crossover application to the London Borough of Barnet, Building 4, North London Business Park (NLBP), Oakleigh Road South, London, N11 1NP.

The applicant is advised that the proposed vehicular cross over will involve alterations to the existing on-street parking bays. Alterations to on-street parking bays will be subject to a statutory consultation. The Council cannot prejudge the outcome of the consultation process.

## 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 Core Strategy 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 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, DM04, DM08, DM17.

### Other Material Considerations:

Supplementary Planning Document Sustainable Design and Construction (2013)  
Supplementary Planning Document Residential Design Guidance (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 Council has also adopted (2013), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance and sets out how sustainable development will be delivered in Barnet.

### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/00621/13
<b>Validated:</b>	20/02/2013	<b>Type:</b>	192
<b>Status:</b>	DEC	<b>Date:</b>	20/03/2013
<b>Summary:</b>	LW	<b>Case Officer:</b>	Tassama Amlak
<b>Description:</b>	First floor rear extension. Roof extension including both sides hip to gable ends with rear dormer window and 3no. rooflights to the front roofslope to facilitate a loft conversion.		

### Consultations and Views Expressed:

Neighbours Consulted:	13	Replies:	7
Neighbours Wishing To Speak:			0

The objections raised may be summarised as follows:

- Scale and appearance out of character.
- Noise and disturbance from construction.
- Further erosion of the character of the area.
- Loss of light.
- Proposal too big for the plot which brings it too close to the boundary.
- Noise and disturbance from additional people living at the property.

The Finchley Society objected to the proposal on the following grounds:

- Loss of a bungalow.
- Loss of front garden to parking and loss of on-street parking bay.

Amended plans were received and residents were reconsulted.

Date of Site Notice: 28 August 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

73 Avondale Avenue is a detached bungalow located on the eastern side of Avondale Avenue close to the junction with Argyle Road. Levels rise from front to rear of the site.

The area is predominantly residential characterised by single family dwelling units.

### Proposal:

The application is for the demolition of the existing bungalow and its replacement with a pair of semi detached two storey houses. The proposed units would be three bedroom. Each unit would have the benefit of off street parking for 1 car to the front of the building. However to enable this to happen an existing on-street parking bay would need to be relocated and a dropped kerb installed. These works would need the benefit of consent under Section 278 of the Highways Act.

### Planning Considerations:

The key considerations are:

- The principle of the development;
- Impact on the streetscene;
- the impact on amenity of existing and future residents;and
- parking.

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.

### Density

To accord with Policy DM01 new development is expected to respect the constraints of the site, and that it should not result in overdevelopment or over-intensification.

The density of the proposed scheme has been assessed against Policy 3.4 of the London Plan 2011 and the Density Matrix found in Table 3.2. It is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 3. The site is 0.04 hectares in size. The scheme therefore has a density of 50 units per hectare. The London Plan advocates a range of 35-55 hr/ha. The number of units is in accordance with the densities advocated by the London Plan.

### Impact on the streetscene



The current building is a single storey bungalow in a road characterised by 1930's two storey semi detached units. The proposal would replace the existing bungalow with a pair of two storey semi detached units, that have been designed to reflect the majority of units in the street through the use of architectural features such as bay windows; chimneys and hipped roofs.

The proposal is therefore considered to be in character in the streetscene in accordance with current council guidelines and Policy DM01 of the adopted Local Plan.

#### Impact on amenity of existing and future residents

With regards to floorspace standards, all residential developments must now meet the minimum gross internal space standards of the Mayors London Plan (July 2011), outlined in Policy 3.5 (table 3.3) which are as follows:

- 3 bed, 5 person = 96sqm

The GIA for each of the units is over 100sqm and would therefore comply with the London Plan standards.

With regards to access to outdoor amenity space, Table 2.3 within the Sustainable Design and Construction SPD indicates that for houses with up to 5 habitable rooms 55sqm of amenity space should be provided. The Sustainable Design and Construction SPD specifies the importance of providing outdoor amenity space in order to provide good living conditions to occupiers. Both of the proposed units would have private rear garden areas which substantially exceed this requirement.

Table 2.2 within the Sustainable Design and Construction SPD set internal layout and design standards for new residential development. It advocates that the minimum width of the main sitting area should be 3.2m and the combined floor areas for living/kitchen/dining space should be 29sqm. The proposed living room would be approx 4m wide and the combined living/kitchen/dining area is over 40sqm and is therefore considered to comply with current guidelines.

the same table required that single bedrooms should be a minimum of 8sqm and double bedrooms should be a minimum of 12sqm with a minimum width of 2.75m. The proposed units would be three bedrooms, all the bedrooms would comply with these requirements. The guidance

Table 2.4 of the Sustainable Design and Construction SPD sets the standards for daylight, privacy (minimum distance) and outlook. It advocates that glazing to all rooms should not be less than 20% of the internal floor area of the room and that bedrooms and living rooms should have clear glazed windows. The proposal would comply with these requirements.

In new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking and 10.5m to a neighbouring garden. The proposed rear garden would be 10.7m and there would be 21m between the main rear elevation of 92 Nether Street (the property to the rear

of the application site). The proposed new houses would be 0.6m back from the line of the existing rear elevation ie the new units would be further away from No. 92 than the existing property. 92 Nether Street has the benefit of a single storey rear extension which projects 4m closer to the property than the main rear elevation. The roof of this extension has been converted to a balcony however as No. 92 is also at a higher level than the application site it is considered that any overlooking would be from No. 92 to the new units. As the proposal complies with the minimum standards required by current council guidelines then the proposal is acceptable.

Accordingly the proposal is considered to result in accommodation that would be in accordance with current council guidelines and in accordance with the requirements of Policy DM02.

### Parking

The site is located within a one hour CPZ which operates between 2-3pm Monday to Friday. The proposal includes the provision of 2 off street parking spaces, 73a would be accessed via an existing cross over, 73b would require a new crossover. Policy DM17 advocates for 3 bedroom units that 1.5-1 spaces should be provided. The site has a PTAL of 3 (where 6 is the highest). The proposed parking provision is therefore considered to be in accordance with the parking standards in the Local Plan and is acceptable on highway grounds for a development at this location. The proposal is therefore considered to accord with Policy DM17 of the adopted Local Plan.

### **Community Infrastructure Levy and other contributions**

The proposal will result in the provision of more than 100sqm of additional floorspace and as a result the applicant will be required to pay both the Mayoral and Barnet CIL. The former has a rate of £35 per sqm whilst the local rate is £135 per sqm. The unit is currently vacant and therefore CIL is payable for the full amount of floorspace proposed it is estimated that the contributions will be approximately £10,500 for mayoral CIL and £40,500 for Barnet CIL.

### **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 proposal is for a pair of two storey semi detached houses in a street characterised by two storey semi detached houses. The proposal is therefore not considered to be out of character.
- If Members are minded to approve the application a condition restricting hours of construction at the site is recommended.
- The proposed unit would line through with existing front and rear building lines and therefore are not considered to result in loss of light to adjoining properties.
- The proposal would have a similar footprint to the existing bungalow, the proposed rear elevation would be 0.6m further away from adjoining properties as the rear building line has been pulled back. A 1m side access would be retained for both properties.

- The current building is a single family dwelling unit. The proposal would result in the creation of 1 new 3 bed 5 person unit. It is not considered that the proposed noise from 1 additional family would be sufficient to warrant a refusal.
- There is no objection to the loss of the existing bungalow as this is out of character in the street.
- The current property has existing off street parking; a small landscaped area will be retained. An on street parking bay will be lost as a result of the proposal.

#### **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 proposed flats new houses are not considered to be harmful to the character and appearance of the area. The proposed houses would not adversely impact the amenity of existing residents or future residents of the proposed units. The proposal is therefore considered to be in accordance with Policy 3.5 of the London Plan and Policies CS1, DM01 and DM02 of the adopted Local Plan. Accordingly, subject to a number of conditions approval is recommended.

**SITE LOCATION PLAN:** 73 Avondale Avenue, London, N12 8ER

**REFERENCE:** F/04267/14



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