

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 21ST OCTOBER, 2014**

**AT 7.00 PM**

**VENUE**

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

**TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Maureen Braun  
Vice Chairman: Brian Gordon

**Councillors**

Gill Sargeant	Sury Khatri	Claire Farrier
Agnes Slocombe	Hugh Rayner	

**Substitute Members**

Mark Shooter	Val Duschinsky	Charlie O-Macauley
Helena Hart	Tom Davey	Devra Kay
		Zakia Zubairi

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

**Andrew Nathan – Head of Governance**

Governance Services contact: Paul Frost 020 8359 2205 paul.frost@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	1 - 4
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	PUBLIC QUESTION AND COMMENTS (IF ANY)	
5.	MEMBERS' ITEMS (IF ANY)	
	<b>Reports of the Assistant Director of Development Management and Building Control</b>	
	<b>Hale Ward</b>	
6.	Trafalgar House, Grenville Place, London, NW7 3SA - H/03555/14	5 - 18
	<b>Hendon Ward</b>	
7.	Newlands, Tenterden Grove, London NW4 1SY, H/0429/14	19 - 36
8.	Middlesex University, The Burroughs, London, NW4 4BT - H/04180/14	37 - 58
	<b>Mill Hill Ward</b>	
9.	4 Katherine Close, London, NW7 1DA - H/03830/14	59 - 68
10.	Site Of 39A, Flower Lane, London, NW7 2JN - H/01485/14	69 - 82
11.	Chase Lodge, Page Street, London, NW7 2ED - H/03896/14	83 - 92
12.	Chase Lodge, Page Street, London, NW7 2ED - H/03897/14	93 - 100
	<b>Edgware Ward</b>	

13.	93 Edgwarebury Lane, Edgware, Middx, HA8 8NA - H/01698/14	101 - 114
14.	Any Item(s) the Chairman decides are urgent	

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## Decisions of the Hendon Area Planning Committee

3 September 2014

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier  
Councillor Sury Khatri  
Councillor Hugh Rayner

Councillor Agnes Slocombe  
Councillor Zakia Zubairi (In place of Gill Sargeant)

Also in attendance

Apologies for Absence

Councillor Maureen Braun

Councillor Gill Sargeant

### 1. MINUTES

That the minutes of the meeting held on 28 July 2014 be signed as an accurate record.

### 2. ABSENCE OF MEMBERS (IF ANY)

An apology for absence was received from Councillor Maureen Braun, Councillor Gill Sargeant and an apology for lateness was received from Councillor Hugh Rayner.

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

8 The Drive, Edgware, Middx, HA8 8PR

Councillor Brian Gordon declared a Non Pecuniary interest as he lives near to the application. Councillor Gordon took part in the consideration and voting process.

Councillor Hugh Rayner declared a Non Pecuniary interest as he is a frequent user of The Drive, Edgware. Councillor Rayner took part in the consideration and voting process.

Councillor Claire Farrier declared a Non Pecuniary interest as she is a uses of The Drive, Edgware. Councillor Farrier took part in the consideration and voting process.

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

None

**5. PUBLIC QUESTION AND COMMENTS (IF ANY)**

None

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

None

**7. SITE OF 39A, FLOWER LANE, LONDON, NW7 2JN - H/01485/14**

The Sub-Committee noted that this item be withdrawn from the agenda by Officers. This was in order to allow further consultation with residents on amended plans.

**8. 112 STATION ROAD, LONDON, NW4 3SN**

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

The Sub-Committee having heard from Mrs Singh and Mr Daughters who spoke in objection and a response from the applicant's agent:

**REFUSED** the application which was a reversal of Officer's recommendation as outlined in the report for the following reason:

The proposed development by reason of the number of bedsits proposed would represent an overdevelopment of the site resulting in increased comings and goings from the additional households within the building and likely to infringe upon the residential amenities of neighbouring occupiers contrary to policies CS NPPF, CS1 and CS5 of the Barnet Local Plan Core Strategy (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2013)

INF1 The plans accompanying the application are: Site plan, 112ST-PP-01, 112ST-PP1-02 Rev D

Votes were recorded as follows:

In Favour	1
Against	3
Abstentions	1

**9. MUGA SITE, MIDDLESEX UNIVERSITY, HENDON CAMPUS, THE BURROUGHS, LONDON, NW4 4BT - H/02816/14**

The Sub-Committee having heard from Alexander Fischbaum who spoke in objection and a response from the applicant's agent:

RESOLVED TO APPROVE the application as per the Officer's report and subject to the conditions as set out in the report and including the following amendments:

Amendment to condition 4:

'The development hereby permitted and all associated structures shall be removed from the site edged red and shown on the drawing numbered 13001-07-07A on or before 30/07/16.

Additional informative 2:

The applicant is advised that any application to renew this permission is unlikely to receive favourable consideration.

Votes were recorded as follows:

In Favour	3
Against	1
Abstentions	2

**10. WILLIAMS CAR PARK, MIDDLESEX UNIVERSITY, HENDON CAMPUS, THE BOROUGHES, LONDON, NW4 4BT - H/03345/14**

The Sub-Committee having heard from Alexander Fischbaum, Mr Roots who spoke in objection and a response from the applicant's agent:

RESOLVED TO APPROVE the application as per the Officer's report and subject to the conditions as set out in the report and including the following amendments:

Amendment to condition 4:

'The development hereby permitted and all associated structures shall be removed from the site edged red and shown on the drawing numbered 13001-07-07A on or before 30/07/16. Within six months of the removal, the land shall be reinstated for the purposes of car parking as shown on the drawing numbered 13001-07-10B.

Additional Informative:

The applicant is advised that any application to renew this permission is unlikely to receive favourable consideration.

Votes were recorded as follows:

In Favour	3
Against	2
Abstentions	1

**11. 8 THE DRIVE, EDGWARE, MIDDX, HA8 8PR - H/03689/14**

The sub-Committee having considered the report and oral representation from the applicant:

**RESOLVED TO REFUSE** the application as per the Officer's report.

Votes were recorded as follows:

In favour of the officers recommendations to refuse the application	4
Against the officers recommendation	2
Abstentions	0

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

There were no urgent items.

The meeting finished at 9.21 pm



**LOCATION:** Trafalgar House, Grenville Place, London, NW7 3SA **AGENDA ITEM 6**

**REFERENCE:** H/03555/14

**Received:** 03 July 2014

**Accepted:** 08 July 2014

**WARD(S):** Hale

**Expiry:** 02 September  
2014

**Final Revisions:**

**APPLICANT:** Trafalgar House LLP

**PROPOSAL:** New third floor to provide 4 x3 bedroom flats. External alterations. Changes to windows to all elevations. New front canopy.

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1306 PA 00 02; 1306 PA 00 01; 1306 PA 01 01; 1306 PA 02 01; 1306 PA 03 01; 1306 GA 02 RevN; 1306 PA 04 02 RevB; 1306 PA 03 02 RevC; 1306 PA 10 00 RevB; 1306 PA 11 00 RevB; 1306 pa 13 00 RevB; 1306 PA 15 02 RevB; 1306 PA 03 02 RevB; 1306 PA 03 02 RevB.

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

- 7 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).

- 8 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).

- 9 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.

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

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

Reason:

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

- 11 Before the development hereby permitted commences, details of the

materials to be used for the balconies including plans at 1:20 showing the details of the balconies and balustrades shall be submitted and approved 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.

- 12 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).

- 13 Before development hereby permitted is occupied, details of the parking spaces for the residential units 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.

- 14 All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to

comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 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 Details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the method statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (excavation, site preparation and construction) and the provision on site of a storage /delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £19,154.80 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £73,882.80 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.

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

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

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

Further details and the application form can be downloaded from:

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

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

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

## 1. MATERIAL CONSIDERATIONS

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development

CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity

DM02 Development standards  
DM03 Accessibility and inclusive design  
DM04 Environmental considerations for development  
DM08 Ensuring a variety of sizes of new homes to meet housing need  
DM17 Travel impact and parking standards

### Supplementary Planning Documents and Guidance

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

### Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

### Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

#### **Site history for current landparcel :**

105019 - Trafalgar House, Grenville Place, London, NW7 3SA

Case Reference: **H/03555/14**

<b>Application:</b>	Planning	<b>Number:</b>	H/00013/13/LIC
<b>Validated:</b>	06/02/2013	<b>Type:</b>	LIC
<b>Status:</b>	DEC	<b>Date:</b>	19/02/2013
<b>Summary:</b>	EXM	<b>Case Officer:</b>	Emily Benedek
<b>Description:</b>	Replacement of 3no. existing antennas with 3no. new antennas onto support poles on the roof of Trafalgar House.		

<b>Application:</b>	Planning	<b>Number:</b>	H/00041/14/LIC
<b>Validated:</b>	24/09/2014	<b>Type:</b>	LIC
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Nora Andreea
<b>Description:</b>	The removal and replacement of 3no. new pole mounted antennas and associated works		

<b>Application:</b>	Planning	<b>Number:</b>	H/02830/14
<b>Validated:</b>	22/05/2014	<b>Type:</b>	PAD
<b>Status:</b>	DEC	<b>Date:</b>	17/07/2014
<b>Summary:</b>	PAG	<b>Case Officer:</b>	Aahsanur Rahman
<b>Description:</b>	Change of use from B1 office to C3 residential (24 Units)		



**Application:** Planning  
**Validated:** 26/11/2013  
**Status:** DEC  
**Summary:** PAG  
**Description:** Change of use from B1 (office space) to C3 (residential flats) 24 units.

**Number:** H/05604/13  
**Type:** PAD  
**Date:** 17/01/2014  
**Case Officer:** Emily Benedek

### Consultations and Views Expressed:

Neighbours Consulted: 99                      Replies: 8  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Increased traffic, noise, dirt and difficulty parking.
- Loss of privacy and overlooking of garden.
- Loss of light.
- Already eyesore with number of number of aerials on the roof.
- Overbearing.
- Look out of place.
- Skyline will be blocked.
- Overwhelm surrounding properties.
- Insufficient parking.
- Unattractive.
- Object to re-positioning of telecommunication equipment.

Date of Site Notice: 17 July 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application is an existing office block located on Grenville Place, the area has a mixed character of both office blocks and residential flats.

It should be noted that there is an approved prior notification application for the change of use of the existing office block to provide 24 residential units. The change of use has not been implemented yet.

### Proposal:

The application relates to an additional storey being provided to create a new level of residential accommodation comprising of 4 x3 bedroom flats. External alterations. Changes to windows to all elevations. New front canopy.

## Planning Considerations:

The main considerations are:

- The principle of the proposed development
- The impact on the character and appearance of the application site and surrounding area
- The impact on the amenity of future and neighbouring residents
- Other material planning considerations

### The principle of the proposed development

The principle of the creating an additional storey to the building is considered to be acceptable. The area is characterised by large block buildings comprising of 3-4 storeys and as such the proposal will not appear out of context. The principle of residential accommodation is also considered to be acceptable, it is acknowledged that there is a prior approval for the change of use of the existing building into residential units. The surrounding buildings are in residential occupation. It is noted that planning permission was granted in 2012 at Grosvenor Court under H/04522/11 which is opposite the site to provide an additional storey of residential accommodation. This additional storey is under construction.

### The impact on the character and appearance of the application site and surrounding area

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

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

The proposed additional storey by way of flat roof extension which is set 2m in from the side building lines is considered to be acceptable. Given the position of the extension, set in from each elevation it is considered to appear as a subordinate addition that would not result in an overbearing development. There are existing structures for maintenance and telecommunications on the roof which will be removed as part of the proposal. The telecommunications equipment will not be replaced on the new roof structure without any relevant licenses which may be applicable.

## The impact on the amenity of future and neighbouring residents

Policy DM01 of the Development Management Policies 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.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: *"in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy"*. In addition to this, section 2.4 of the SPD for sustainable design and construction states that *"the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight"*.

The proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed flats would have access to rooftop amenity space. Details of the balustrading for this is to be secured by way of condition.

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in close proximity to surrounding residential occupiers to an unacceptable degree or to a significantly greater extent than the existing office units.

Details of noise from ventilation and extraction equipment for kitchens and bathrooms will be secured by way of condition. Details of the site plant room will also be secured by way of condition to protect the interests of future residential occupiers.

Turning to the impact on neighbouring properties, the proposal has been designed carefully to ensure that there is no loss of amenity to surrounding residential occupiers. The extension has been set off the elevations of the main building by 2m to ensure the proposal does not appear overbearing. Handrails have been provided around the perimeter of the building closest to Monarchs Court and Deans Drive which is set in by 0.7m to prevent direct overlooking or loss of privacy from the external amenity space or habitable room windows. The proposal provides adequate distance to neighbouring properties and their gardens.

By virtue of its scale, siting and design it is considered that the development

would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties to an extent that would warrant the refusal of the application on these grounds. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

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

All planning related matters are considered to be covered in the above appraisal.

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

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

### **5. CONCLUSION**

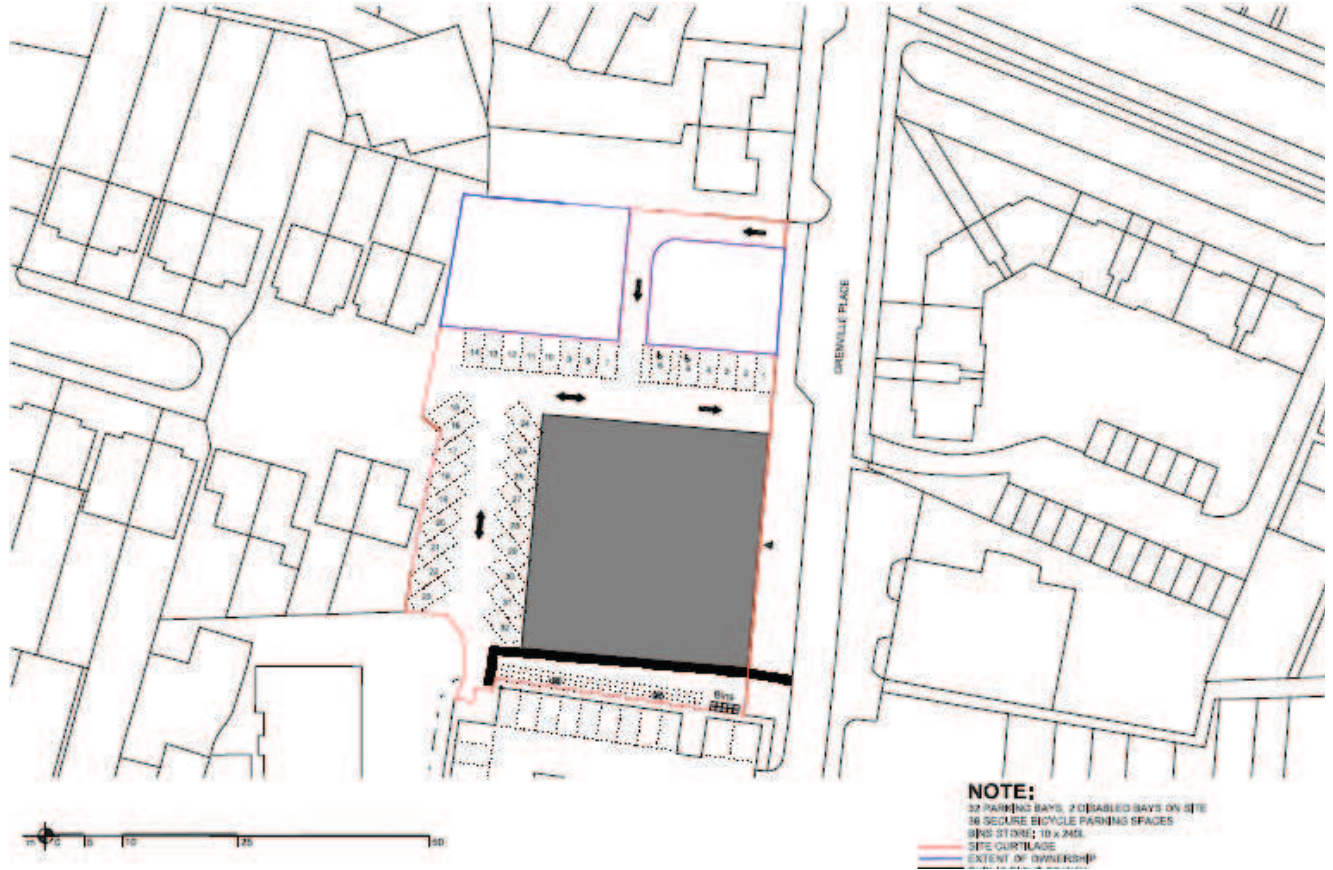
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not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

**SITE LOCATION PLAN:  
3SA**

**Trafalgar House, Grenville Place, London, NW7**

**REFERENCE:**

**H/03555/14**



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**LOCATION:** Newlands, Tenterden Grove, London, NW4 1SY **AGENDA ITEM 7**

**REFERENCE:** H/04249/14

**Received:** 06 August 2014

**Accepted:** 07 August 2014

**WARD(S):** Hendon

**Expiry:** 02 October 2014

**Final Revisions:**

**APPLICANT:** Newlands NW4 Limited

**PROPOSAL:** Demolition of existing house and detached garage and construction of a 2 storey building plus rooms in roof space and basement, to create 6 self-contained flats with associated amenity space, landscaping, refuse/recycling facilities and 8no. off street parking spaces.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1\_510-00-030; 1\_510-00-022; 1\_510-00-012; 1\_510-00-020; 1\_510-00-009; 1\_510-00-101 RevA; 1\_510-00-102 RevA; 1\_510-00-103 RevA; 1\_510-00-104 RevA; 1\_510-00-099 RevA; 1\_510-00-104 RevA; 1\_510-00-300 RevA; 1\_510-00-301 RevA; 1\_510-00-302 RevA; 1\_510-00-200 RevA; 1\_510-00-201 RevA; 1\_510-00-202 RevA; 1\_510-00-203 RevA.

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Green Lane from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

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

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

Reason:

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

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

Reason:

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

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



Reason:

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

- 8 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).

- 9 Other than those areas shown to be balconies, the roof of the building 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).

- 10 Before the building hereby permitted is occupied the proposed window(s) in the first and second floor flank elevations facing Nos 57 and 59 Finchley Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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

first and second floor flank elevation(s), of the extension(s) hereby approved, facing Nos 61 and 65 Green Lane.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 15 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.

- 16 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.

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

- 18 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).

- 19 All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

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

Reason:

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

- 21 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).

- 22 Before the development hereby permitted is first occupied the car parking spaces as shown on submitted drawing shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason:

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

- 23 Before the development hereby permitted commences, details of the materials to be used for the balconies including plans at 1:20 showing the details of the balconies and balustrades. 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.

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

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

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

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](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 £14,420.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £55,620.00 payment under Barnet CIL.

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

You will be sent a 'Liability Notice' that provides full details of the charge

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us 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 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 4 If the proposal is implemented it will be necessary for a new vehicle access to be constructed. For any new vehicle accesses or modifications to existing vehicle accesses the applicant must submit an application under Section 184 of the Highways Act (1980), which will require a separate authorisation from the Highways Authority. The proposed access design details, construction and location will be reviewed as part of the application.

Any costs for necessary works on the public highways including re location of street furniture and reinstatement of redundant crossover to footway level, will be carried out at the applicant's expense.

To receive a copy of our Guidelines for Developers and an application form please contact:, Traffic & Development Section, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

- 5 The applicant is advised that if Council's refuse collection is intended, bins should be brought to a location within 10 metres of the public highways on collection days.

- 6 Details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the method statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (excavation, site

preparation and construction) and the provision on site of a storage /delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

## **1. MATERIAL CONSIDERATIONS**

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development  
CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity  
DM02 Development standards  
DM03 Accessibility and inclusive design  
DM04 Environmental considerations for development  
DM08 Ensuring a variety of sizes of new homes to meet housing need  
DM17 Travel impact and parking standards

Supplementary Planning Documents and Guidance

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

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:



### Site history for current landparcel :

22165 - Newlands, Tenterden Grove, London, NW4 1SY

Case Reference: **H/04249/14**

<b>Application:</b>	Planning	<b>Number:</b>	H/04120/10
<b>Validated:</b>	12/10/2010	<b>Type:</b>	HSE
<b>Status:</b>	DEC	<b>Date:</b>	13/01/2011
<b>Summary:</b>	APC	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Two storey rear extension. First floor front extension over garage. Roof extension involving rear dormer windows to facilitate a loft conversion. Conversion of garage into habitable room. Erection of a new single storey detached garage.		

### 63-65 Finchley Lane

<b>Application:</b>	Planning	<b>Number:</b>	H/00446/10
<b>Validated:</b>	01/02/2010	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	11/03/2010
<b>Summary:</b>	APC	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Demolition of existing garages and erection of single storey dwelling house with rooms in the roofspace.		

<b>Application:</b>	Planning	<b>Number:</b>	H/02785/10
<b>Validated:</b>	12/07/2010	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	13/09/2010
<b>Summary:</b>	AP	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Submission of details of (Condition 3): (Details of levels) (Condition 4): (Details of materials) (Condition 5): (Details of Means Of Enclosure) (Condition 7): (Details of Refuse). (Condition 10): (Details of landscaping) (Condition 15): (Details of Non-Standard Planning Obligation), pursuant to planning permission (H/00446/10) Dated (11th March 2010)		

### Relevant history for surrounding sites on Tenterden Grove

#### Lido and Winsford, Tenterden Grove

H/02083/08 - Demolition of existing dwelling and construction of two-storey building (plus basement and rooms in roofspace) for 6 self-contained units with associated amenity space and parking. Approved subject to conditions.

H/00111/09 - Demolition of existing dwelling and construction of two-storey building with roof terrace (plus basement and rooms in roofspace) with gym in basement, for 5 self-contained units with associated amenity space and parking. Amendment to application reference H/02083/08 previously approved on 05/08/2008 to reduce number of units from 6 to 5, alterations to internal layout, increase to rear projection at ground floor level, alterations to elevations with timber banding being replaced by reconstituted stone. Approved subject to conditions.

#### Miramar Lodge

H/02294/13 - Demolition of existing detached house and construction of a 2 storey building plus rooms in roof and basement to comprise 6 self-contained flats with associated amenity space, landscaping and parking. Approved subject to conditions.

Consultations and Views Expressed:

Neighbours Consulted: 78                      Replies: 11  
Neighbours Wishing To Speak 4

The objections raised may be summarised as follows:

- Increased congestion. Transport statement underestimates number of cars including visitors and tradespeople.
- Income bracket of people who can afford flats will suggest multiple cars.
- Design and orientation is out of keeping.
- Intensification of use particularly close to boundaries.
- No need for 6 luxury flats.
- Bad visibility due to bend in road.
- Demolition of building means character will be changed.
- Balconies and openings will reduce privacy.
- Flooding due to basement.
- Should not bring building line forward.
- Windows in side elevation to be obscure glazed.
- Should not destroy roots of trees.
- Loss of amenity
- Loss of views.
- Overdevelopment of the site.
- Loss of garden and open aspect.
- Out of scale.
- Construction works will cause anxiety and may interfere with hospital/doctor visits.
- Building line is too close to perimeters of the site.

Internal /Other Consultations:

Traffic and development - no objections.

Date of Site Notice: 14 August 2014

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a large detached dwelling located in the Hendon Ward. The property adjoins Garrick Way and the properties along Finchley Lane back on to the site. There is an existing front hardstanding, there is a significant level change from street level to ground level of the building.

#### Proposal:

Demolition of existing house and detached garage and construction of a 2 storey building plus rooms in roof space and basement, to create 6 self-contained flats with associated amenity space, landscaping, refuse/recycling facilities and 8no. off street parking spaces.

#### Planning Considerations:

The main considerations are:

- The principle of the proposed development
- The impact on the character and appearance of the application site and surrounding area
- The impact on the amenity of future and neighbouring residents
- The impact on highway safety and whether the proposal would provide a sufficient parking allocation
- Other material planning considerations

#### The principle of the proposed development

The principle of the demolition of the existing dwellinghouse is accepted, the property is not within a Conservation Area and is not of particular architectural merit to warrant its retention subject to an appropriate replacement.

The principle of flats is also considered to be acceptable, there are a number of other properties in the immediate area that have been granted planning permission for flats notably Miramar Lodge, Winsford and Lido Court and Tenterden Lodge.

#### The impact on the character and appearance of the application site and surrounding area

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

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *“will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design”*. In addition to this, Policy DM01 of the Council’s Development Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding*

*buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused".*

The proposed new building is considered to be acceptable. The size, design and fenestration detailing of the building has been amended since its initial submission. The roof form has also been amended

#### The impact on the amenity of future and neighbouring residents

The proposed works would result in the creation of six flats. Policy DM01 of the Development Management Policies 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.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: *"in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".* In addition to this, section 2.4 of the SPD for sustainable design and construction states that *"the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".*

The proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed flats would have access to sufficient amenity space with access to the rear garden from the basement level which will be communal for each of the flats. In addition there will be private balconies. Details of the balustrading for this is to be secured by way of condition.

The proposal has been amended since its initial submission changing the internal configuration of the property to ensure there is adequate outlook to habitable rooms in each of the flats. Bathrooms and secondary windows of living rooms and bedrooms are sited on the flank elevation which will be obscure glazed. Principal windows will be sited to the front or back of the building.

It is noted that there is a flat in the basement level of the property, the lightwell will provide outlook and natural light to this flat with a distance of 3.6m. This is a similar relationship to the flat at Miramar Lodge where a recent scheme was approved which also included a basement with a flat entirely within the

basement level. Soft landscaping will be used as a buffer between the basement terrace and the remaining amenity area to ensure there is adequate privacy to the basement flat.

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in close proximity to surrounding residential occupiers to an unacceptable degree. Given the property's location it is not sited immediately adjacent to neighbouring buildings.

Details of noise from ventilation and extraction equipment for kitchens and bathrooms will be secured by way of condition.

Turning to the impact on neighbouring properties, the new building will have an extended mass and footprint compared to the existing property. The proposal has been amended since its initial submission removing the first floor side additions from the plans. The nearest properties on Finchley Lane are sited approximately 20m from the building, given this distance and the size, bulk and additional rearward projection it is considered that the proposal will not result in harm to the neighbouring occupiers by way of an overbearing appearance. Windows in the flank elevation will be obscure glazed.

At ground floor level the proposal will be set off the boundary of the rear gardens of Finchley Lane between 0.4m - 1.7m. At first floor a minimum distance of 1.3m is maintained. The proposal will project an additional 2m to the back from the existing rear building line and it is considered that the proposal is acceptable.

By virtue of its scale, siting and design it is considered that the development would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties to an extent that would warrant the refusal of the application on these grounds. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

#### Highways and parking

The proposal is for demolition of existing dwelling and construction of a new development consisting of 6 3-bedroom flats. A total of 8 parking spaces are proposed in the forecourt of the property including one space suitable for disabled use. 13 cycle parking spaces are proposed.

The proposed parking provision is in accordance with the parking standards in Barnet's Local Plan.

The cycle parking provision is in accordance with the London Plan.

The existing vehicle access will be relocated and will require for the applicant to submit a section 184 application for the construction of the new access. All associated works on the public highways including reinstatement of the redundant to footway level, will be carried out at the applicant's expense.

The applicant is advised that refuse should be brought to a location within 10 metres of the public highway if council's collection is intended.

There are no objections on highways grounds.

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

All planning related matters are considered to be covered in the above appraisal.

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

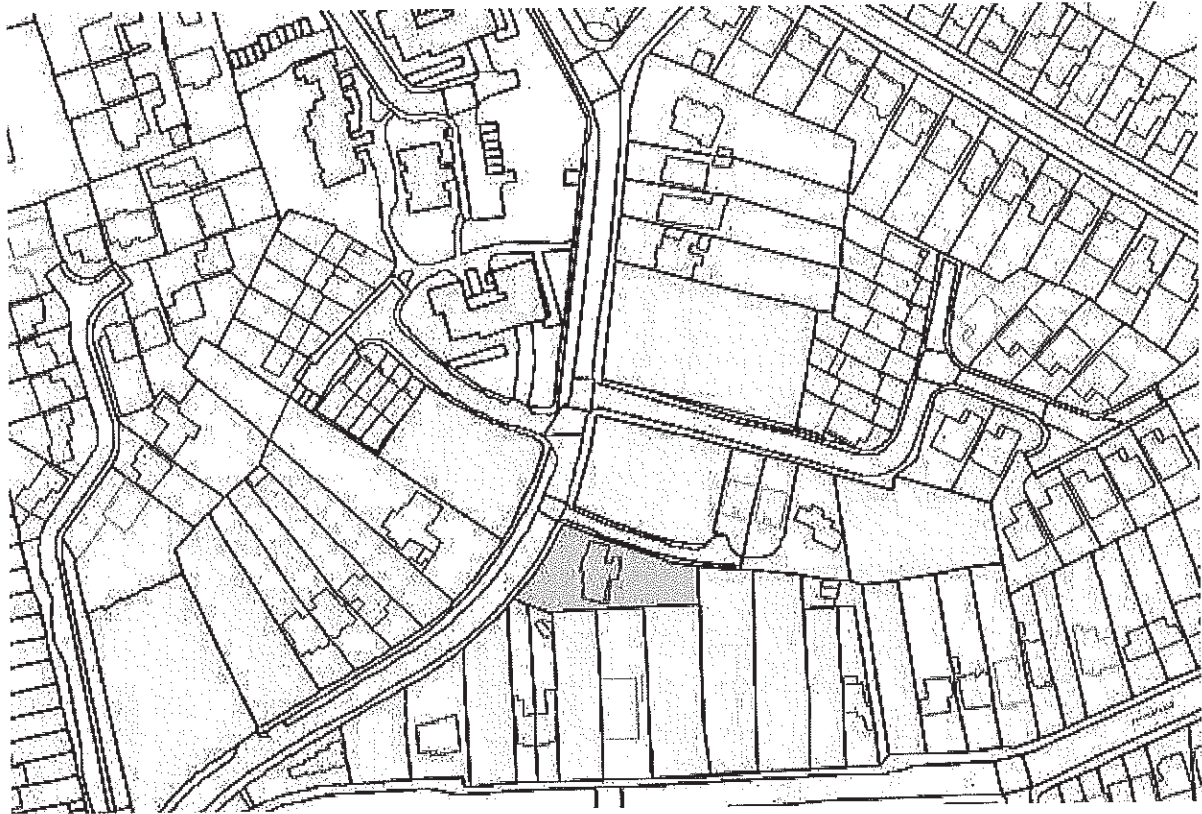
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The application is recommended for APPROVAL.

**SITE LOCATION PLAN:** Newlands, Tenterden Grove, London, NW4 1SY

**REFERENCE:** H/04249/14



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

**REFERENCE:** H/04180/14

**Received:** 01 August 2014 **AGENDA ITEM 8**

**Accepted:** 05 August 2014

**WARD:** Hendon

**Expiry:** 04 November 2014

**Final Revisions:**

**APPLICANT:**

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

**Approve Subject to S106**

**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;

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Development Management & Building Control approve the planning application reference: H/04180/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 13001-02-21, 13001-02- 22, 13001-02-23, 13001-02-24, 13001-02-25, 13001-02-26, 13001-02-27, 13001-02-28, 13001-02-29, 13001-02-30, 13001-02-31, 13001-02-32, 13001-02-33, 13001-02-34, 13001-02-35, 13001-02-36, 13001-02-37A, 13001-02-38, 13001-02-42 and 13001-02-48

**Reason:**

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

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

Reason:

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

- 3 Before the development hereby permitted is occupied the parking spaces/garages shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

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

Reason:

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

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

Reason:

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

- 6 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 14 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

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

- 15 Part 1

Before development commences other than for investigative work:

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

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

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

## Part 2

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

Reason:

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

- 16 The level of noise emitted from the **(specify machinery)** 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.

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

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

Reason:

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

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

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

Reason:

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

- 19 Prior to first occupation of the building, a lighting strategy shall be submitted

to and approved in writing by the Local Planning Authority, which shall include measures to mitigate light spill from the building. The building shall be occupied in accordance with the approved strategy thereafter.

Reason:

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

**INFORMATIVE(S):**

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

2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

3 In complying with the contaminated land condition parts 1 and 2:

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

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

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

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

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

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate

against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

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

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

### **RECOMMENDATION III:**

That if an agreement has not been completed by 19/12/2014, that unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application H/04180/14 under delegated powers for the following reasons:

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

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Framework

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

#### Relevant Local Plan (2012) Policies

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

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

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



DM13, DM17

Relevant Supplementary Planning Documents:

Supplementary Planning Document (SPD): Sustainable Design and Construction

Relevant Planning History:

**Application:** Planning **Number:** H/00023/11  
**Validated:** 23/12/2010 **Type:** APF  
**Status:** DEC **Date:** 14/02/2011  
**Summary:** APC **Case Officer:** Graham Robinson  
**Description:** Demolition of the ground floor infill part of 'link' building which connects the Town Hall Extension to the Town Hall Annex to create a pedestrian link from The Burroughs to the new Middlesex University Art, Design and Media Building and Hendon Grove. Associated internal and external alterations.

**Application:** Planning **Number:** H/00024/11  
**Validated:** 23/12/2010 **Type:** LBC  
**Status:** DEC **Date:** 14/02/2011  
**Summary:** APC **Case Officer:** Graham Robinson  
**Description:** Demolition of the ground floor infill part of 'link' building which connects the Town Hall Extension to the Town Hall Annex to create a pedestrian link from The Burroughs to the new Middlesex University Art, Design and Media Building and Hendon Grove. Associated internal and external alterations.

**Application:** Planning **Number:** H/00033/14/LIC  
**Validated:** 27/08/2014 **Type:** LIC  
**Status:** DEC **Date:** 23/09/2014  
**Summary:** EXM **Case Officer:** Elizabeth Thomas  
**Description:** The removal and replacement of 3 no. existing antennas for 3 no. tri-band antennas along with 1 no. 300mm dish, 2 no. additional equipment cabinets and ancillary development thereto.

**Application:** Planning **Number:** H/00055/13/LIC  
**Validated:** 17/05/2013 **Type:** LIC  
**Status:** DEC **Date:** 13/06/2013  
**Summary:** NEX **Case Officer:** Malachy McGovern  
**Description:** Installation of 1no. 300mm dish antenna. (Telecommunications installation)

**Application:** Planning **Number:** H/00252/13/ENQ  
**Validated:** **Type:** ENQ  
**Status:** REC **Date:**  
**Summary:** UNK **Case Officer:** Graham Robinson  
**Description:** First stage of the Middlesex London Estates Strategy (LES1). Improvements to the external sports facilities, construction of a new four storey building (Forum North Building) involving likely relocation of University Nursery to temporary accommodation, improvements to landscaped amenity areas including creation of new connections through the site, replacement and relocation of flood lighting, and reorganising vehicular circulation from Greyhound Hill.

**Application:** Planning **Number:** H/00290/10  
**Validated:** 25/01/2010 **Type:** S73  
**Status:** DEC **Date:** 07/04/2010  
**Summary:** APC **Case Officer:** Graham Robinson  
**Description:** Variation of condition 10 (Times of use) of planning permission reference W00229/BF/01 dated 15-10-02 to be varied to 'The building hereby approved shall be open for use 24 hours per day and not at all on Bank or Public Holidays'.

<b>Application:</b>	Planning	<b>Number:</b>	H/00627/13
<b>Validated:</b>	22/02/2013	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	18/07/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Construction of a 2-storey detached building to provide an additional 690 sqm of teaching space with associated access, paths, steps and landscape works.		
<b>Application:</b>	Planning	<b>Number:</b>	H/00628/13
<b>Validated:</b>	22/02/2013	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	15/07/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Construction of two-storey extension to the Williams Building to provide an additional 495sqm of teaching space.		
<b>Application:</b>	Planning	<b>Number:</b>	H/00826/11
<b>Validated:</b>	11/03/2011	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	06/05/2011
<b>Summary:</b>	APC	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Two storey infill extension to Real Tennis Court building to provide changing and refreshment facilities and multi-purpose recreational/teaching space, access terrace and ramp.		
<b>Application:</b>	Planning	<b>Number:</b>	H/00951/12
<b>Validated:</b>	09/03/2012	<b>Type:</b>	HSE
<b>Status:</b>	DEC	<b>Date:</b>	24/07/2012
<b>Summary:</b>	APC	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Part single, part two storey rear extension.		
<b>Application:</b>	Planning	<b>Number:</b>	H/00996/14
<b>Validated:</b>	28/02/2014	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	25/04/2014
<b>Summary:</b>	APC	<b>Case Officer:</b>	Aahsanur Rahman
<b>Description:</b>	Erection of a single storey building for use as a nursery.		
<b>Application:</b>	Planning	<b>Number:</b>	H/01627/11
<b>Validated:</b>	08/04/2011	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	21/06/2011
<b>Summary:</b>	AP	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Submission of details of conditions 2 (Parking Details), 8 (Contaminated Land - Part 2), 11 (Disability Access), 23 (Environmental Standard Non-Residential), 24 (Energy Efficiency Measures) and 32 (Cycle Storage Facilities) pursuant to planning permission reference H/04475/08 dated 02/09/2009.		
<b>Application:</b>	Planning	<b>Number:</b>	H/01678/11
<b>Validated:</b>	10/05/2011	<b>Type:</b>	HSE
<b>Status:</b>	APD	<b>Date:</b>	13/12/2011
<b>Summary:</b>	INV	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Part single, part two storey rear extension.		
<b>Application:</b>	Planning	<b>Number:</b>	H/01912/08
<b>Validated:</b>	12/06/2008	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	07/08/2008
<b>Summary:</b>	APC	<b>Case Officer:</b>	Louise Doran
<b>Description:</b>	Demolition of existing ramp, balustrade and entrance door at south entrance of college building. Erection of new steps, ramp, automatic door and entrance canopy. Demolition of existing dwarf wall, fence and brick post. Erection of new fence and gate.		
<b>Application:</b>	Planning	<b>Number:</b>	H/02124/09

<b>Validated:</b>	18/06/2009	<b>Type:</b>	ADV
<b>Status:</b>	DEC	<b>Date:</b>	12/08/2009
<b>Summary:</b>	APC	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Erection of 4x non illuminated signs and 1x non illuminated totem around site.		
<b>Application:</b>	Planning	<b>Number:</b>	H/02816/14
<b>Validated:</b>	10/06/2014	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	10/09/2014
<b>Summary:</b>	APC	<b>Case Officer:</b>	Aahsanur Rahman
<b>Description:</b>	Installation of 6 portakabins for temporary class rooms.		
<b>Application:</b>	Planning	<b>Number:</b>	H/03020/13
<b>Validated:</b>	17/07/2013	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	11/09/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Elizabeth Thomas
<b>Description:</b>	Installation of gate, screen and bench seating.		
<b>Application:</b>	Planning	<b>Number:</b>	H/03190/08
<b>Validated:</b>	10/09/2008	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	26/01/2009
<b>Summary:</b>	AP	<b>Case Officer:</b>	Louise Doran
<b>Description:</b>	Submission of details of condition 2 (materials) and condition 3 (tree protection and fencing) pursuant to planning permission H/01912/08 dated 07/08/08.		
<b>Application:</b>	Planning	<b>Number:</b>	H/03525/10
<b>Validated:</b>	23/08/2010	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	08/10/2010
<b>Summary:</b>	AP	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Submission of details of Condition 4 (materials) pursuant to planning permission H/04475/08.		
<b>Application:</b>	Planning	<b>Number:</b>	H/03632/11
<b>Validated:</b>	26/08/2011	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	10/02/2012
<b>Summary:</b>	APC	<b>Case Officer:</b>	Deirdre Jackman
<b>Description:</b>	Two storey rear extension to Church House and construction of a single storey detached building for use as a Scout Hut, following demolition of existing Scout Hut and extension.		
<b>Application:</b>	Planning	<b>Number:</b>	H/03717/11
<b>Validated:</b>	26/08/2011	<b>Type:</b>	CAC
<b>Status:</b>	DEC	<b>Date:</b>	21/03/2012
<b>Summary:</b>	APC	<b>Case Officer:</b>	Deirdre Jackman
<b>Description:</b>	Demolition of existing Scout Building and extension.		
<b>Application:</b>	Planning	<b>Number:</b>	H/03980/09
<b>Validated:</b>	19/11/2009	<b>Type:</b>	ADV
<b>Status:</b>	WDN	<b>Date:</b>	14/01/2010
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Erection of 10 PVC double sided banners to the lighting columns.		
<b>Application:</b>	Planning	<b>Number:</b>	H/03982/13
<b>Validated:</b>	28/11/2013	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	09/01/2014
<b>Summary:</b>	AP	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Submission of details of conditions 4 (Materials), 6 (Refuse), 7 (Ventilation & Extraction Equipment-Details Required), 8 (Middlesex University Travel plan), pursuant to planning permission (H/00628/13) dated (12 July 2013).		
<b>Application:</b>	Planning	<b>Number:</b>	H/03983/13

**Validated:** 28/11/2013 **Type:** CON  
**Status:** DEC **Date:** 09/01/2014  
**Summary:** AP **Case Officer:** Graham Robinson  
**Description:** Submission of details of conditions 3 (Refuse), 6 (Materials), 7 (Ventilation & Extraction Equipment-Details Required), 8 (Levels), 9 (Middlesex University Travel Plan), pursuant to planning permission (H/00627/13) dated (16 July 2013).

**Application:** Planning **Number:** H/04257/14  
**Validated:** 27/08/2014 **Type:** CON  
**Status:** REG **Date:**  
**Summary:** DEL **Case Officer:** Aahsanur Rahman  
**Description:** Submission of details of condition 3, (Materials) pursuant to planning permission H/02530/14 dated 18/07/2014.

**Application:** Planning **Number:** H/04381/12  
**Validated:** 19/11/2012 **Type:** ADV  
**Status:** DEC **Date:** 29/08/2013  
**Summary:** APC **Case Officer:** Graham Robinson  
**Description:** Installation of 9 no. non illuminated banners on street lighting columns.

**Application:** Planning **Number:** H/04419/12  
**Validated:** 17/12/2012 **Type:** LBC  
**Status:** DEC **Date:** 18/03/2013  
**Summary:** APC **Case Officer:** Emily Benedek  
**Description:** Internal and external alterations involving installation of new building services control system to include; new internal conduit; new surface mounted room sensors; new external temperature sensor; new control panels within boiler room and appliance bay.  
 (LISTED BUILDING APPLICATION)

**Application:** Planning **Number:** H/04496/12  
**Validated:** **Type:** APF  
**Status:** UNA **Date:**  
**Summary:** INV **Case Officer:** Emily Benedek  
**Description:** Internal and external alterations involving installation of new building services control system to include; new internal conduit; new surface mounted room sensors; new external temperature sensor; new control panels within boiler room and appliance bay.

**Application:** Planning **Number:** H/04634/11  
**Validated:** 18/11/2011 **Type:** S96A  
**Status:** DEC **Date:** 20/12/2011  
**Summary:** APC **Case Officer:** Graham Robinson  
**Description:** Non-material minor amendments to planning permission reference H/04475/08 dated 02/09/09 for, 'Redevelopment of the Town Hall car park site and adjacent land, to provide a 2 to 5 storey academic teaching building, together with the provision of 28 parking spaces, 42 secure cycle spaces and associated paths, terraces, landscaping and works.' Amendments include alterations of plant elements, plant areas and vent extracts at basement, ground floor, fourth floor and roof levels of building ABC and at first and second floors levels of block E, and minor elevational detail changes.

**Application:** Planning **Number:** H/06124/13  
**Validated:** 27/01/2014 **Type:** APF  
**Status:** DEC **Date:** 11/04/2014  
**Summary:** REF **Case Officer:** Emily Benedek  
**Description:** Erection of 1no. 5 storey building for educational purposes, ancillary uses and associated servicing, including hard and soft landscaping. Provision of 2no. disabled parking spaces and cycle storage facilities.

**Application:** Planning  
**Validated:** 27/01/2014  
**Status:** DEC  
**Summary:** APC  
**Description:** Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.

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

**Application:** Planning  
**Validated:** 10/12/2001  
**Status:** DEC  
**Summary:** APC  
**Description:** Erection of 12 x 7m high floodlights around existing tennis courts.

**Number:** W/00229/BG/01  
**Type:** APF  
**Date:** 07/02/2002  
**Case Officer:** Heidi Euzger

**Application:** Planning  
**Validated:** 16/05/2002  
**Status:** DEC  
**Summary:** APC  
**Description:** Demolition of existing teaching units and erection of 3 prefabricated units.

**Number:** W/00229/BH/02  
**Type:** APF  
**Date:** 10/03/2003  
**Case Officer:**

**Application:** Planning  
**Validated:** 21/07/2003  
**Status:** DEC  
**Summary:** APC  
**Description:** Construction of new roof over existing quadrangle to provide additional floorspace associated with existing University use and installation of new glazed entrance fronting The Burroughs.

**Number:** W/00229/BL/03  
**Type:** APF  
**Date:** 22/10/2003  
**Case Officer:** Lesley Feldman

**Application:** Planning  
**Validated:** 29/11/2004  
**Status:** DEC  
**Summary:** APC  
**Description:** External Emergency staircase.

**Number:** W/00229/BP/04  
**Type:** APF  
**Date:** 04/02/2005  
**Case Officer:** Lesley Feldman

**Application:** Planning  
**Validated:** 20/12/2007  
**Status:** DEC  
**Summary:** AP  
**Description:** Submission of details of Condition 3 (extraction and ventilation equipment) pursuant to planning permission W00229BV/07 dated 11.12.07 for conversion of and mezzanine additions to existing University Sports, Social building and nursery.

**Number:** W/00229/BW/07  
**Type:** CON  
**Date:** 14/02/2008  
**Case Officer:** Louise Doran

#### Consultations and Views Expressed:

Neighbours Consulted: 31      Replies: 13  
Neighbours Wishing To Speak: 4

The comments raised may be summarised as follows:

- Campus already densely populated with an existing building estate
- The proposal will result in overlooking and a loss of privacy to adjoining residents
- Concern with potential noise, disturbance and light spill from site to adjoining residential properties
- The design of the building is out of character with the surrounding area
- The proposal will have a detrimental impact on the locality and negative impact on

the local population

- The proposal will impact on wildlife
- The proposal will increase littering and noise and disturbance from users of the campus
- The development is within or very close to an area of archaeological significance and English Heritage should be consulted
- The proposal is the same as one that has already been refused
- Remote learning should be considered with temporary buildings
- Increase in traffic
- Increase in pedestrian footfall leads to increased levels of litter on the public footway and open space
- Significantly impact the traffic in the area in addition to causing parking issues
- Overdevelopment of the site

Internal /Other Consultations:

- Environmental Health - No objection subject to conditions and informatives
- Traffic & Development - No objection subject to a Section 106 Agreement for an additional £5,000 contribution for monitoring the Travel Plan for the next 5 years
- English Heritage – the proposal is unlikely to have a significant effect on heritage assets of archaeological interest

Date of Site Notice: 05 August 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

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

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

Proposal:

The application is a resubmission of a previously refused application (H/06124/13) for the erection of 1no. 5 storey building for educational purposes. The previous application was refused for the following reason:

- 1 The proposed development, by reason of the additional building, will result

in an over intensification of use and potential increase in student numbers which would have an adverse impact on the amenity of adjoining residents contrary to adopted (2012) Core Strategy Policy CS1 and adopted (2012) Development management Policy DM01.

The previous application (H/01624/13) is currently subject to an appeal.

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

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

The irregular shaped building will measure a maximum of 48 metres in depth, 25.5 metres in width and 17.6 metres in height.

The building will use the existing levels difference on site and would be 2 storeys higher than the adjacent Forum building. The new building will have 2 'wings' on either side immediately adjacent to the neighbouring buildings which will be set at a lower level with green roofs on top. The building will create 3,662sqm of additional floor space.

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

#### Planning Considerations:

##### *Policy Context*

#### **DM03: Accessibility and inclusive design**

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

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

#### **Policy DM13: Community and education uses**

##### **a: Loss of community / educational use**

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

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

has been marketed effectively for such use.

**b: New community or educational use**

New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres.

New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

**Policy DM17: Travel impact and parking standards**

**a: Road Safety**

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

**b: Road Hierarchy**

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

**c: Development, Location and Accessibility**

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

**d: Transport Assessment**

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

**e: Travel Planning**

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

**f: Local Infrastructure Needs**

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

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

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

iv. Where appropriate, development will be required to improve cycle and pedestrian



facilities in the local catchment area by providing facilities on site and/or funding improvements off site

**g: Parking management**

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

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

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

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

2. Residential development may be acceptable:

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

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

The main issues are:

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

*The impact on the character and appearance of the general locality*

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

The new Forum North building is located in the middle of the site adjacent to the Multi Use Sports pitches between the Vine Building and The Forum Building. The building will take advantage of the existing levels differences on site (there are substantial levels differences between the Multi Use Sports pitch area and the existing tennis courts. This means that although the building would be a maximum of 5 storeys in height when viewed from the east elevation entrance to the building it would have the appearance of a 4 storey building. The proposal will only be two

storeys higher than the buildings on either side and with two 'wings' immediately adjacent to both neighbouring buildings would not appear as an overly dominant structure within the university campus. Furthermore, given the natural sloping of the land the proposed building will be set lower than the 5 storey Shephard library and will not appear as visually dominant within the site. It is acknowledged that given its size the new Forum North building will be visible outside the campus however, this does not mean that it will have a detrimental appearance on the landscape and general locality as it is set within the grounds of the built area.

#### *The impact on highway and pedestrian safety*

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

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

The site is also within the Hendon Controlled Parking Zone (CPZ). On the Greyhound Hill the parking restrictions operate between 10AM to 5PM (Mon-Fri). Nearby there are parking bays for short stay operating from 9AM to 5:30PM (Mon-Fri). Part of The Burroughs has parking restrictions from 10AM to 5PM (Mon-Fri) up to St Josephs Grove and then the parking restrictions are from 8AM to 6:30PM on both sides. St Josephs Grove has various restrictions, part of it is from 8AM to 6:30PM (Mon-Fri) and the other part is from 1:45PM to 2:45PM. There is a Pay and Display car park on the Burroughs Gardens with approximate capacity of 20 parking spaces, operating from 9:AM to 5:30 PM (Mon-Sat). There are pay and display parking available on the Egerton Gardens.

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

#### Travel Plan

The current Middlesex University's Travel Plan (TP) contains measures to promote the use of sustainable modes of transport. The TP was approved by Local Planning Authority (LPA), with agreed initiatives and targets. As mentioned above, the applicant has confirmed that the overall student numbers at Middlesex University remain the same as existing. It is therefore recommended that these Travel Pan

initiatives to be continued to be monitored. The results of the reviews should be incorporated into the next years report, required for submission to the LPA. It is expected that travel plans and monitoring of the TP activities to last at least for the next 5 years or until it is considered that the impact has achieved the agreed initial targets, whichever is the earliest.

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

#### *Impact on neighbouring amenity*

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

The previous application (H/06124/13) was refused for the following reason: 'the proposed development, by reason of the additional building, will result in an over intensification of use and potential increase in student numbers which would have an adverse impact on the amenity of adjoining residents contrary to adopted (2012) Core Strategy Policy CS1 and adopted (2012) Development management Policy DM01'.

The current application has been submitted with supporting information which states that there is a need for additional space for the following reasons:

- There is insufficient space for the existing senior academic staff, with sharing of office space
- There have been instances when the university did not have sufficient rooms to provide a quality teaching experience
- There has been increased demand for larger space requirements for research based studies
- The existing student timetable does not allow efficient use of staff and student time

In addition to this, the supporting information states "*we are aware that student numbers are of concern to local residents and members. This has been very evident in the formal consultation responses on the two Forum North applications and other recent planning applications and in views expressed at Committee. The Accommodation Statement reports on recent student numbers and includes a 5-year*

*forecast to 2017/18. The accompanying text provides important information on how this data is derived and should be interpreted. In the interests of transparency, and to seek to allay concerns, MU is happy to provide this information to the Council, updated on a regular basis, say 1 November annually, and supplemented with actual figures for the year just finishing. This would enable the Council and other interested parties to monitor overall numbers. It could also provide useful background when considering future applications as the on going estate renewal/ improvement programme progresses. MU would be willing to enter into a planning obligation to provide this information as part of the Section 106 Agreement for Forum North. We suggest the obligation could be worded along the following lines (the wording may need to be refined and we can, of course, discuss this further with you):*

*On [date] MU will submit to LBB an annual update of the following information provided in Appendix X to the Agreement [reproduce Appendix 1 from the Accommodation Statement]:*

- The Student 5 year Forecast*
- Actual student numbers for the preceding academic year*
- update to the accompanying text, as required LBB will make the annual update available to the public on request”.*

Based on the supporting information, it is understood that the predicted number of students at the Hendon Campus would reduce over time. As such, the proposal will not result in an increase in the number of students on site or result in an increase in pedestrian footfall. Accordingly, it is not considered that the proposal will result in increased littering to the surrounding area or additional noise and disturbance to the occupiers of the neighbouring residential properties. However, it is considered that in the event of approval a legal agreement should be provided by the university to ensure that there is an annual update to clearly demonstrate student numbers on the Hendon campus.

### *Sustainability Issues*

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

### *Other material planning considerations*

Archaeology – The applicant has submitted an archaeological study. English Heritage has been consulted and do not have any concerns to raise with the proposal on archaeological grounds

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

The comments raised have been addressed in the considerations above

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

The proposals do not conflict with either Barnet Council's Equalities Policy or the

commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **5. CONCLUSION**

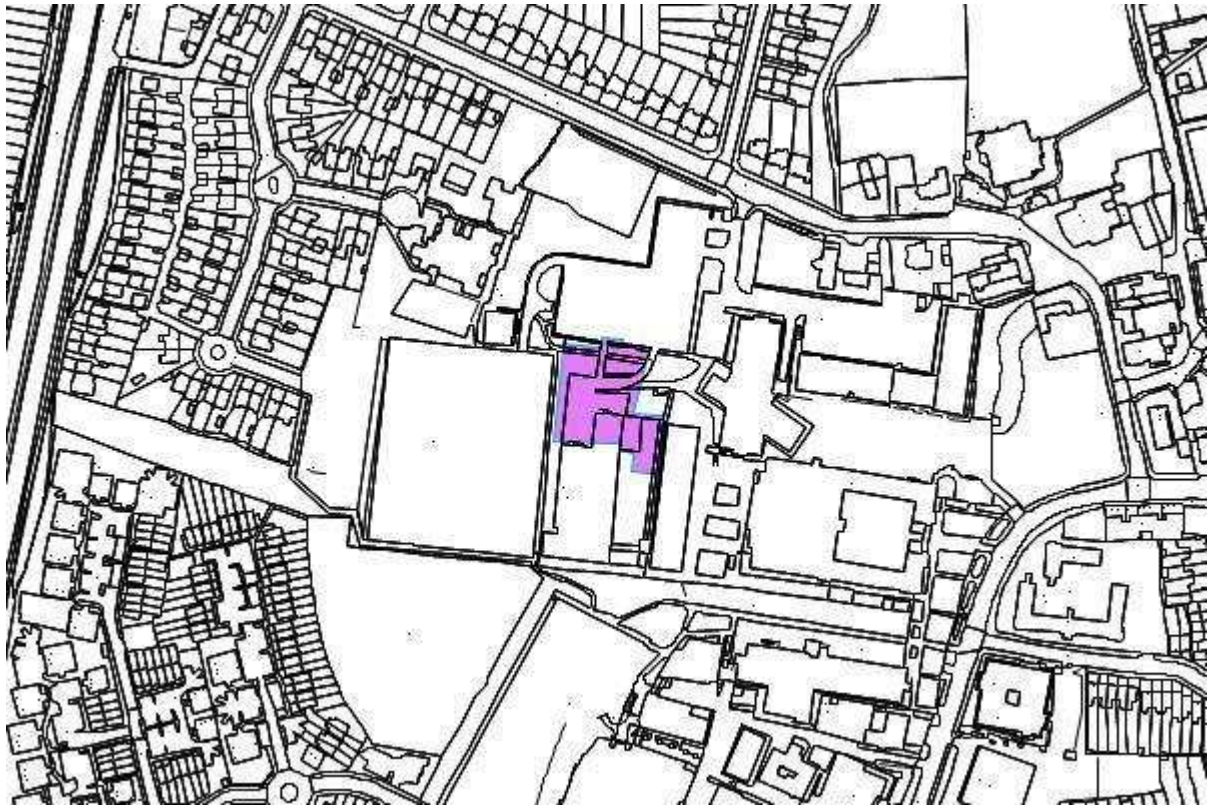
The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:**  
NW4 4BT

**Middlesex University, The Burroughs, London,**

**REFERENCE:**

**H/04180/14**



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**LOCATION:** 4 Katherine Close, London, NW7 1DA

**REFERENCE:** H/03830/14

**Received:** 17 July 2014 **AGENDA ITEM 9**

**Accepted:** 17 July 2014

**WARD(S):** Mill Hill

**Expiry:** 11 September 2014

**Final Revisions:**

**APPLICANT:** Mr Horesh

**PROPOSAL:** Erection of proposed detached garage.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: K/C/001 Revision A (Amended 20/09/2014); K/C/002 Revision A (Amended 20/09/2014); KC/C/003 Revision A (Amended 20/09/2014).

**Reason:**

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

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

**Reason:**

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

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

**Reason:**

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

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

**Reason:**

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

- 5 The proposed garage parking spaces shall be provided and shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with no 4 Katherine Close.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles 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.

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

Reason:

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

- 7 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.

- 8 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.

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

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies



and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

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

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

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

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

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

### Relevant Local Plan (2012) Policies:

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

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

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

### Supplementary Planning Documents and Guidance

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

### Relevant Planning History:

**Site history for current landparcel :**  
**312502 - 4 Katherine Close, London, NW7 1DA**  
**Case Reference: H/03830/14**

#### **Planning applications picked up in spatial search**

**Site Address:** 25 Grants Close, London, NW7 1DD  
**Application Number:** 03352/09  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 23/11/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conversion of dwelling house into 2 sperate dwellings (1x one bedroom house and 1x three bedroom house) following two-storey side and rear extension and creation of new entrance.**  
**Case Officer:** Sally Fraser

**Site Address:** 27 & 28 Grants Close and Land at 25, 26 and 29 Grants Close Mill Hill NW7 1DD  
**Application Number:** W16055/07  
**Application Type:** Outline Application  
**Decision:** Refuse  
**Decision Date:** 11/08/2008  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 11/08/2008  
**Proposal:** **Demolition of Nos. 27 & 28 Grants Close and erection of a total of 9No. terraced dwelling houses in 2No. two storey blocks. (OUTLINE APPLICATION)**  
**Case Officer:** Deirdre Jackman

**Site Address:** 27 & 28 Grants Close and Land at 25, 26 and 29 Grants Close Mill Hill NW7 1DD  
**Application Number:** W16055A/07  
**Application Type:** Outline Application  
**Decision:** Refuse  
**Decision Date:** 11/08/2008  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 11/08/2008  
**Proposal:** **Demolition of Nos. 27 & 28 Grants Close and erection of a total of 9No.dwelling houses comprising of 1No pair of semi detached houses and 7No. terraced houses in 3No. two storey blocks. (OUTLINE APPLICATION)**  
**Case Officer:** Deirdre Jackman

**Site Address:** 27 & 28 Grants Close and land at 26 & 29 Grants Close Mill Hill London NW7 1DD  
**Application Number:** W16055B/08  
**Application Type:** Outline Application  
**Decision:** Refuse  
**Decision Date:** 11/08/2008  
**Appeal Decision:** Allow subject to conditions  
**Appeal Decision Date:** 11/08/2008  
**Proposal:** **Demolition of two two storey semi-detached houses and erection of eight two storey semi detached houses (Outline)**  
**Case Officer:** Graham Robinson

**Site Address:** 28 Grants Close NW7  
**Application Number:** W04058  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/04/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **single-storey rear extension to replace conservatory and replacement garage**  
**Case Officer:**

**Site Address:** 28 Grants Close LONDON NW7  
**Application Number:** W04058A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/10/1989  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two-storey front and first floor rear extensions.**  
**Case Officer:**

**Site Address:** 25 Grants Close London NW7 1DD  
**Application Number:** W13747A/04  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 04/02/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two-storey side and rear extension.**  
**Case Officer:** Sally Fraser

**Site Address:** 25 Grants Close London NW7 1DD  
**Application Number:** W13747/04  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 02/08/2004  
**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 swimming pool enclosure in rear garden.**  
**Case Officer:** Sally Fraser

**Site Address:** 25 Grants Close London NW7 1DD  
**Application Number:** W13747B/06  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 23/08/2006

**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two-storey side and rear extension.**  
**Case Officer:** Sally Fraser

**Site Address:** 27 & 28 Grants Close, London, NW7 1DD  
**Application Number:** 00060/10  
**Application Type:** Outline Application  
**Decision:** Approve with conditions  
**Decision Date:** 02/03/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of 2no. two storey semi-detached houses and erection of 8no. two storey semi detached houses. (OUTLINE)**  
**Case Officer:** Graham Robinson

**Site Address:** 27 & 28 Grants Close and land at 26 & 29 Grants Close Mill Hill London NW7 1DD  
**Application Number:** 00457/10  
**Application Type:** Conditions Application  
**Decision:** Approve  
**Decision Date:** 10/06/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of conditions, 5 (Construction Method Statement), 6 (Tree - details), 8 (Demolition Method Statement) and 9 (Levels) pursuant to outline planning application W16055B/08 allowed on appeal ref: APP/N5090/A/08/2075142 dated 11/08/08.**  
**Case Officer:** Graham Robinson

**Site Address:** 27 & 28 Grants Close and land at 26 & 29 Grants Close Mill Hill London NW7 1DD  
**Application Number:** 00792/10  
**Application Type:** Details Application  
**Decision:** Approve with conditions  
**Decision Date:** 28/05/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Reserved matters application seeking approval for landscaping, appearance and scale pursuant to outline planning permissions W16055B/08 for demolition of two two storey semi-detached houses and erection of eight two storey semi detached houses (outline) allowed on appeal ref: APP/N5090/A/08/2075142 dated 11/08/08.**  
**Case Officer:** Graham Robinson

**Site Address:** Land rear of 26 - 29 Grants Close, Mill Hill, London, NW7  
**Application Number:** 02616/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 23/08/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of 2 no. 2 storey detached dwellings with rooms in roofspace.**  
**Case Officer:** Graham Robinson

**Site Address:** 7 Katherine Close, NW7 1DA  
**Application Number:** H/03170/12  
**Application Type:** Householder  
**Decision:** Approve with conditions

**Decision Date:** 30/10/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey rear extension**  
**Case Officer:** Sally Fraser

Consultations and Views Expressed:

Neighbours Consulted: 9                      Replies: 7 (petition)  
Neighbours Wishing To Speak 0

Objection on grounds of:

Loss of outlook  
Loss of light  
Reduction of turning circle  
Parking obstruction

Highways: The proposal is for construction of a garage to replace parking spaces currently associated with No 4 Katherine Close. The proposed garage will be able to accommodate parking for 2 cars and is therefore in accordance with Barnet's Local Plan parking standards.

I have no objections on highways grounds.

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a semi-detached single family dwellinghouse located on the northern side of Katherine Close. The application site is attached to No. 3 Katherine Close.

Dimensions:

The applicant seeks planning permission for the erection of a detached garage to the front of the application property. The garage will have a width of 6.5 metres and depth of 5.18 metres and will replace three parking spaces which are allocated to this address.

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 original proposed garage had a width of 7.34 metres, which was considered too large and therefore detrimental to the residential amenities of the neighbouring properties, No.3 and No. 5, in terms of loss of outlook. The plans were subsequently amended, reducing the width of the garage to 6.5 metres. The reduced width and distance of over 7 metres between the front elevation of the proposed garage and the front elevation of No. 3 and 5 Katherine Close means the proposal is not considered to have a detrimental impact on the residential amenities of these neighbouring occupiers in terms of loss of light or outlook.

The proposal will adjoin a detached garage which serves No. 26 Grants Close. Although the existing garage has only a width of 3 metres, as it faces Grants Close, its side elevation (with a depth of 6.5 metres) fronts Katherine Close. The proposal is therefore not considered detrimental to the character of Katherine Close.

The proposed garage conversion is not considered to result in an increase in on-street parking or congestion as the parking provision requirement for the application site is 2 parking spaces. A condition has been attached to this permission stating that "*The proposed garage parking spaces shall be provided and shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with no 4 Katherine Close.*" The garage therefore will need to be used for parking purposes and not for storage or habitable space.

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

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

As part of the appraisal process, the Highways Team were consulted. They considered that the proposal would have no impact on the turning circle or result in any parking obstruction.

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

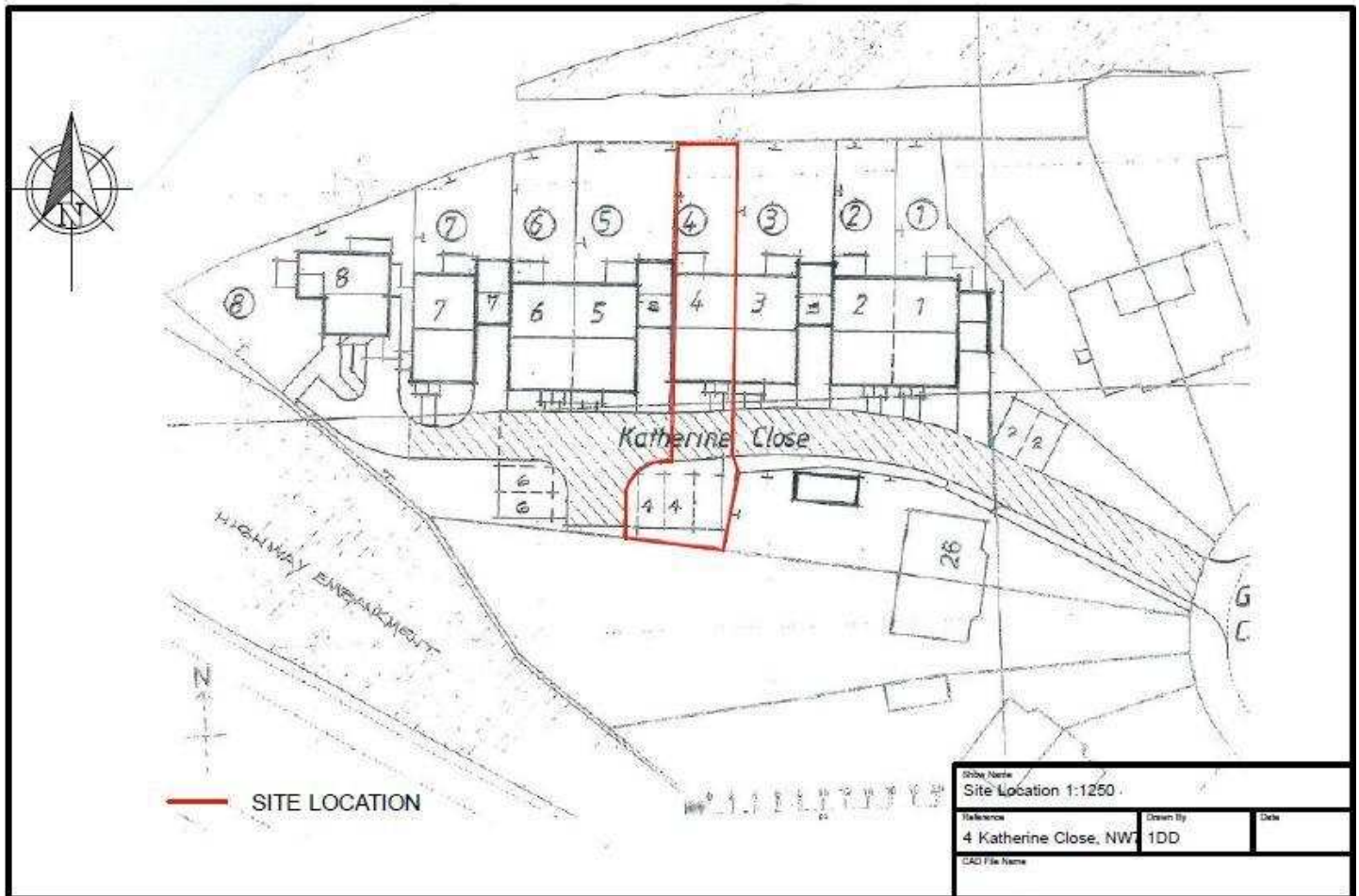
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **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:** 4 Katherine Close, London, NW7 1DA

**REFERENCE:** H/03830/14



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**LOCATION:** Site Of 39A, Flower Lane, London, NW7 2JN

**AGENDA ITEM 10**

**REFERENCE:** H/01485/14

**Received:** 18 March 2014

**Accepted:** 28 March 2014

**WARD(S):** Mill Hill

**Expiry:** 23 May 2014

**Final Revisions:**

**APPLICANT:** Ms Mulchandani

**PROPOSAL:** Erection of two detached three storey and basement dwellings.

**RECOMMENDATION: Approve Subject to Conditions**

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

Reason:

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1000 P01B, 1000 P03C, 1000 P05C, 1000 P06C, 1000 P07C, 1000 P08C, 1000 P09C, 1000 P11A, 1000 P12A, A145\_015\_PL05 (Proposed External Lighting), WSP Lighting Report, Design and Access Statement, Arboricultural Report Ref. 018524, 1000 P02D and 1000 P04D

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).

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

Reason:

To safeguard the visual amenities of the locality.

- 4 Before the development hereby permitted commences on site, details of all external lighting (to include the number, power, lux levels and controls) shall

be submitted and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with these approved details and in accordance with plan no. A145\_015\_PL05 (Proposed External Lighting) and report "Environmental Appraisal of the lighting proposed at 39A and 39B Flower Lane" WSP - May 2012.

Reason: To ensure the proposal does not impact on the University of London Observatory."

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

Reason:

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

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

Reason:

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

- 7 Before the building hereby permitted is occupied the proposed window(s) in the first floor flank elevations facing 1 Oakl Lodge Way, 39a, 39b and 41 Flower Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

- 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 first and second floor flank and rear elevations facing 1 Oaklodge Way, 39a, 39b and 41 Flower Lane and the University of London Observatory without the prior specific permission of the Local Planning Authority.

Reason:

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

- 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 unless previously approved in writing by the Local Planning Authority.

Reason:

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

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. The landscaping scheme shall incorporate retention of existing trees and planting of additional coniferous trees along the boundary with the University of London Observatory.

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

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

Reason:

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

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

Reason:

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 to Schedule 2 of that Order shall be carried out within the area of 39a and 39b Flower Lane hereby approved without the prior written permission of the local planning authority.

Reason:

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

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

Reason:

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

## 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 £36.04 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 £32,868.48 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 £123,120 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/whattosu>

[bmit/cil](#) for further details on exemption and relief.

- 3 Refuse collection points should be located within 10 metres of the Public Highway, otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 4 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2<sup>nd</sup> Floor, Oakleigh Road South, London N11 1NP.

## **1. MATERIAL CONSIDERATIONS**

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development  
CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity  
DM02 Development standards  
DM17 Travel impact and parking standards

Supplementary Planning Documents and Guidance

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

## Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

## Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

## Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	H/00133/12
<b>Validated:</b>	01/02/2012	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	20/06/2012
<b>Summary:</b>	APC	<b>Case Officer:</b>	Emily Benedek
<b>Description:</b>	Erection of two detached three storey dwelling houses with garages following demolition of two existing bungalows and garages.		

<b>Application:</b>	Planning	<b>Number:</b>	H/06020/13
<b>Validated:</b>	15/01/2014	<b>Type:</b>	S96A
<b>Status:</b>	DEC	<b>Date:</b>	05/02/2014
<b>Summary:</b>	APC	<b>Case Officer:</b>	Emily Benedek
<b>Description:</b>	Non-material amendment to planning permission H/00133/12 dated 12/06/2012. Amendments include alterations to window size/location and change of external facing material to brick.		

## Consultations and Views Expressed:

Neighbours Consulted: 7

Replies: 5

Neighbours Wishing To Speak: 1

### Summary of responses:

- Concern that there is the potential for light pollution to impact adversely on the operations of the adjoining London Observatory
- Concern regarding the potential for subsidence from piling on the site
- Concern that the proposal would impact adversely on the neighbouring residents at 1 Oaklodge Way to gain access to light and minimise the enjoyment of their garden



- Concern that trees on the boundary of the site may be removed as this would result in overlooking, reduced security and an increase in noise from the adjoining A41
- Concerns regarding the potential for a lack of access to the site by emergency services
- Concerns regarding the lack of submitted information in relation to foul sewage
- Concerns regarding the potential for flooding
- Concerns relating to the impact on the public right of way
- Concern regarding the impact of the proposal on access to the adjoining garage
- Concerns regarding levels and details of walls on the front of the site

Internal /Other Consultations:

- Traffic & Development – Raised no objections to the previously approved application
- Street Lighting Engineer - Raised no objections to the previously approved application subject to the inclusion of conditions

## **2. PLANNING APPRAISAL**

The application was deferred from the July meeting of the Sub-Committee to allow officers to seek further clarification concerning the retaining wall, access and manoeuvrability and emergency vehicle access.

Site Description and Surroundings:

The application site relates to a pair of back land semi-detached bungalows located on the east side of Flower Lane which is predominantly residential in character. The site is accessed via an existing access between Nos 39 and 43 Flower Lane. Located east of the site is the University of London Observatory, to the south is the Flower Lane resource centre and a pair of detached 2 storey dwellings are located to the north.

Proposal:

The application is a resubmission of a previously approved proposal for the erection of two three storey detached residential dwellings following the

demolition of two existing bungalows and garages (H/00133/12). The application differs to the previously approved scheme as the proposed dwellings would feature basements. The dimensions of the properties above ground would remain unaltered.

The proposed dwellings will measure approximately 14 metres in depth, 8.8 metres in width and 10 metres in height with a gabled roof. Both properties will benefit from private garden amenity space.

The application was previously deferred at committee on 28 July 2014 as there was an anomaly on the submitted plans which indicated different positions of a wall that would be located on the front of the site. There were also concerns raised with regards to the potential for emergency vehicles to access the site and for the adjoining garage owner to access their garage due to the siting of the wall. The applicant has submitted a revised plan (drawing 1000 P04C) which indicates the manoeuvrability of the site for emergency services. They have also submitted CGI images to demonstrate the height of the proposed wall, which would measure approximately 0.6 metres tall and would be positioned to ensure that there is sufficient access for the adjoining garage owner to access their garage. With regards to emergency vehicle access, this is a matter that will be considered under the Building Regulations. However, planning officers have discussed the matter with the Fire Service. In situations where the access road is too narrow for fire engine access (which appears to be the case along certain parts of this access) alternative provision will be required to meet the Building Regulations. This can be through provision of a separate fire hydrant or use of a domestic sprinkler system.

#### Planning Considerations:

The main considerations are:

- The impact on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring properties
- The impact on highway safety and providing a sufficient parking allocation
- Other material planning considerations

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

The 2012 National Planning Policy Framework states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *“will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design”*. In addition to this, Policy DM01 of the Council’s Development

Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”*.

The area surrounding the application site characteristically features a mixture of two storey, semi – detached and detached residential dwellings. Nos 39a and 39b Flower Lane are a pair of semi-detached bungalows that are not visible from Flower Lane. The neighbouring backland properties in Oak Lodge Way (two storey) and 41 Flower Lane (Flower Lane Resource Centre) comprise a mix of styles and there is no predominant building style which characterises the immediate area.

The current application is largely similar to a previously approved scheme for two detached dwellinghouses on the site (H/00133/12). The only difference between the two schemes is that the proposed dwellings in the current application would feature basements.

The proposed dwellings would feature gable fronted roofs to their front and rear elevations. The new dwellings respect the existing eaves and ridge height of the neighbouring property at Oak Lodge Way. The proposed dwellings are considered to relate satisfactorily to the immediately adjacent buildings and the development is considered to sit comfortably within the existing surroundings. The proposed dwellings are therefore considered to sufficiently maintain the character and appearance of the property and surrounding area.

#### The impact on the amenity of neighbouring properties

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

The proposed dwelling nearest to 1 Oak Lodge Way respects the existing front building line of that property and will only project approximately 1.5 metres beyond the existing rear building line at a distance of approximately 3m from the flank elevation. Conditions have been recommended to obscure glaze the windows on the first floor flank elevations of both properties and restrict the insertion of further windows without prior consent from the Local Planning Authority. The proposed balconies on the rear elevations are recessed to ensure that they do not result in any overlooking to the occupiers of the neighbouring properties and the balconies to the front are located more than 21 metres from the end of the rear gardens of Nos 37 and 39 Flower Lane. Given all of the above it is considered that the proposal would not impact adversely on the amenity of adjoining residents to an extent that would warrant the refusal of the application on these grounds.

In terms of the impact of the proposed dwellings on the operation of University of London Observatory, the observatory raised concerns to the previously approved development on the basis that the observatory is involved in long term research observations of extra-solar planets, which requires brightness changes of the order of 1 to 2% in the host stars to be monitored on a regular basis. Diffuse and scattered background light from the 2 houses particularly the upper floors and roof skylight style windows may reasonably be expected to swamp the subtle variations in brightness and raise the existing threshold of the local sky background to a level which will inhibit effective observation.

As the property falls within direct sight of the University of London Observatory, the concerns raised by the organisation were taken very seriously and resulted in several changes to the previously approved scheme. The current application reflects these changes. The applicant has submitted a supporting statement which states "regarding the lighting report, it is evident from the report already submitted that the basement will have no impact in terms light nuisance. Paragraph 5.1.5 of the existing report states that "The top of the ground floor windows will be approximately 1.5m below the ground level of the observatory and therefore can be discounted as having potential to cause a direct source of light nuisance to the observatory". Given that the top of the basement windows are approximately 4.5m below the ground level of the observatory, it is self evident that these too can be discounted as having potential to cause light nuisance". Based on these considerations, it is considered that subject to conditions, the amount of light from the development is unlikely to be greater than that from other buildings in the vicinity and will not impact adversely on the Observatory.

#### The impact on highway safety and providing a sufficient parking allocation

No changes are proposed to the existing access route in order to gain vehicular, pedestrian, cycle access to the site. As the access is existing and currently services the two existing bungalows, the Council's Highways officers have raised no objection to its width or vehicle manoeuvrability. Concerns have been raised by respondents in relation to the access of the site to emergency services. It is considered that the removal of the garages in the front forecourt provides greater turning space for emergency vehicles should they need to access the site. The developer will need to provide details on fire vehicle access as part of any Building Regulations application. Given that no changes are proposed to the access route or the number of dwellings in this location, it is not considered that the proposal will have a detrimental impact on pedestrian or highway safety.

The application site has a PTAL rating of 3 and would provide access to 2 car parking spaces for each of the properties. This is considered sufficient to comply with council parking standards.

### Other material planning considerations

With regards to refuse, the proposed arrangements will remain as the existing set up. The existing residents of Nos 39a and 39b are required to bring their refuse to the edge of the public highway (between Nos 39 and 41) on refuse collection days and as the refuse vehicles do not currently access the dwellings it is not proposed that they will do so in the future either.

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

- It is proposed that all existing trees will remain on site.
- Conditions to deal with the potential light overspill onto the London Observatory will be included in the event that the application is approved
- Subsidence is not a consideration in the determination of a planning application
- Sewage is considered through the building regulations and not in the determination of a planning application
- A condition has been proposed relating to levels, although there is no evidence to suggest that the proposal will give rise to increased flooding in the area. The area is not one identified by the Environment Agency as at risk of flooding.
- Impact on private rights of way is not a material planning consideration.
- The remaining concerns raised have been addressed in the considerations above.

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

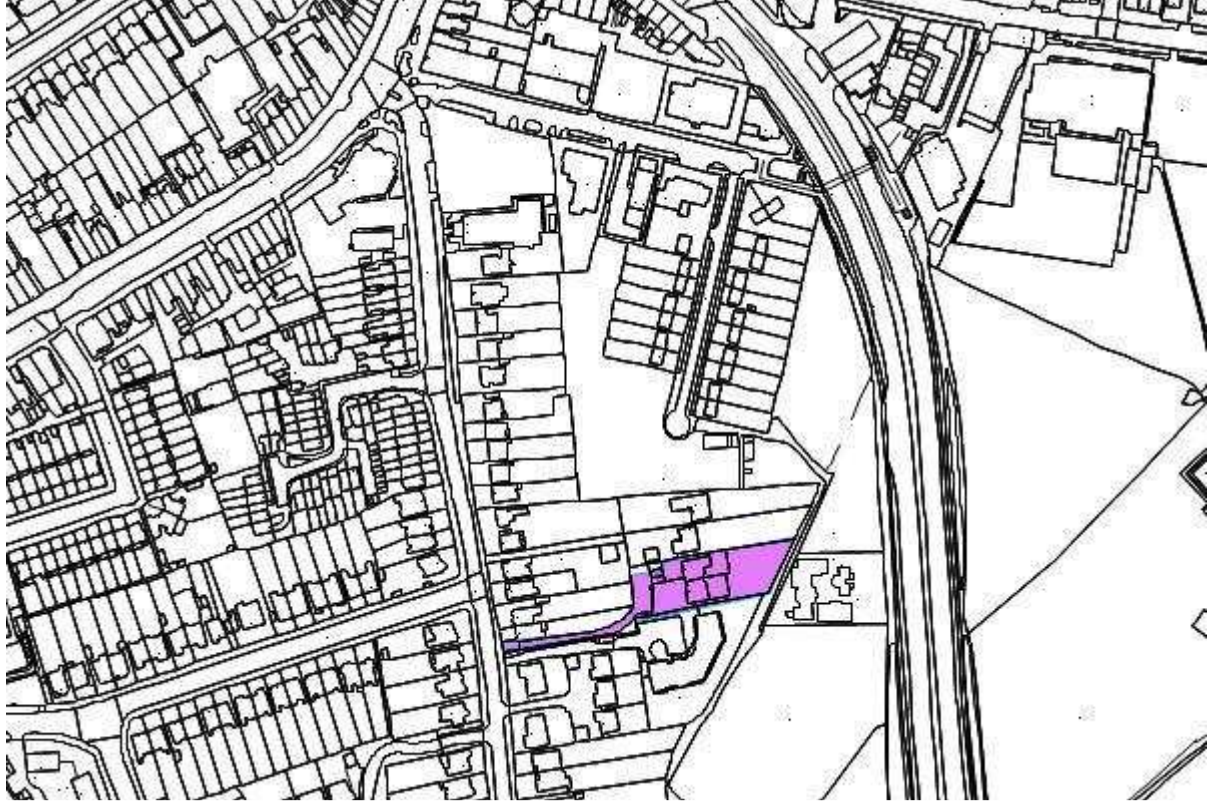
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

Approval subject to conditions

**SITE LOCATION PLAN: Site Of 39A, Flower Lane, London, NW7 2JN**

**REFERENCE: H/01485/14**



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**LOCATION:** Chase Lodge, Page Street, London, NW7 2ED

**AGENDA ITEM 11**

**REFERENCE:** H/03896/14

**Received:** 19 July 2014

**Accepted:** 18 July 2014

**WARD(S):** Mill Hill

**Expiry:** 12 September 2014

**Final Revisions:**

**APPLICANT:** Chase Lodge Hospital

**PROPOSAL:** Demolition of existing ancillary building and erection of a new two storey building (lower ground and ground floor level)

**RECOMMENDATION: Refuse**

- 1 The proposed extensions and alterations to the building, by virtue of their scale and siting would result in disproportionate additions over and above the size of the original building. This would be to the detriment of the openness and character of the Green Belt, contrary to the National Planning Policy Framework 2012 and Development Management policy DM15 and no very special circumstances are considered to justify this inappropriate development.
- 2 The proposed scale, siting and design of the proposal would fail to achieve adequate subordination to Chase Lodge and would fail to sufficiently preserve or enhance the historic character and setting of the Grade II Listed Building. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Core Strategy policy CS5 and Development Management policies DM01 and DM06.

**INFORMATIVE(S):**

- 1 The plans accompanying this application are: 7278-101P3, 7278-102p1, 7278-103P1, 7278-110P8, 7278-111P6, 7278-113P3, 7278-200P4, 7278-300P2, 7278-301P2, 7278-302P1, 7278-310P5, 7278-311P5, 7278-312P3, 7278-313P2, L4869-01A, Planning Statement and Heritage Assessment.
- 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.

## 1. MATERIAL CONSIDERATIONS

### The National Planning Policy Framework 2012

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

### Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development  
CS5 - Protecting and Enhancing Barnet's character to create high quality places

### Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity  
DM02 Development standards  
DM06: Barnet's Heritage and Conservation  
DM15: Green Belt and Open Spaces

### Supplementary Planning Documents and Guidance

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

### Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

### Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

### Relevant Planning History:

W03477H/06 - Change of use from D1 (Doctors Surgery), External alterations including new ramp, extended rear access, rear dormer and parking - Approved 25/06/06

<b>Application:</b>	Planning	<b>Number:</b>	W03477H/06
<b>Validated:</b>	30/05/2006	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	25/06/2006



<b>Summary:</b>	APC	<b>Case Officer:</b>	AB
<b>Description:</b>	Change of use from D2 (former changing rooms) to D1 (Doctors surgery). External alterations including new ramp, extended rear acces. Rear dormer. Associated parking.		
<b>Application:</b>	Planning	<b>Number:</b>	H/01630/14
<b>Validated:</b>	02/04/2014	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	28/05/2014
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Aahsanur Rahman
<b>Description:</b>	Demolition of existing ancillary building and construction of new single storey building with basement level including glazed link to existing Hospital.		
<b>Application:</b>	Planning	<b>Number:</b>	H/01631/14
<b>Validated:</b>	02/04/2014	<b>Type:</b>	LBC
<b>Status:</b>	WDN	<b>Date:</b>	28/05/2014
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Aahsanur Rahman
<b>Description:</b>	Demolition of existing ancillary building and construction of new single storey building with basement level including glazed link to existing Hospital.(Listed Building)		
<b>Application:</b>	Planning	<b>Number:</b>	H/02335/10
<b>Validated:</b>	10/06/2010	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	03/08/2010
<b>Summary:</b>	APC	<b>Case Officer:</b>	Emily Benedek
<b>Description:</b>	Extension to the time limit for implementing planning permission W03477Q/07 granted 21/06/07 for 'Demolition of existing outbuilding. Construction of a new building with glazed link connecting to doctors surgery'.		
<b>Application:</b>	Planning	<b>Number:</b>	H/02955/13
<b>Validated:</b>	17/07/2013	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	06/09/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Emily Benedek
<b>Description:</b>	Single storey temporary building in the grounds of Chase Lodge Hospital to be used as office accommodation for the duration of works.		
<b>Application:</b>	Planning	<b>Number:</b>	H/02956/13
<b>Validated:</b>	17/07/2013	<b>Type:</b>	LBC
<b>Status:</b>	DEC	<b>Date:</b>	04/09/2013
<b>Summary:</b>	NDD	<b>Case Officer:</b>	Emily Benedek
<b>Description:</b>	Single storey temporary building in the grounds of Chase Lodge Hospital to be used as office accommodation for the duration of works.		
<b>Application:</b>	Planning	<b>Number:</b>	H/03136/13
<b>Validated:</b>	22/07/2013	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	11/09/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Emily Benedek
<b>Description:</b>	Extension to the time limit for implementing planning permission (H/02335/10) granted (03/08/2010) for (Demolition of existing out-building & construction of a new building with glazed link connecting to doctors surgery).		
<b>Application:</b>	Planning	<b>Number:</b>	H/03167/13
<b>Validated:</b>	09/08/2013	<b>Type:</b>	LBC
<b>Status:</b>	DEC	<b>Date:</b>	01/10/2013
<b>Summary:</b>	APC	<b>Case Officer:</b>	Emily Benedek

**Description:** Demolition of existing out-building & construction of a new building with glazed link connecting to doctor's surgery (LISTED BUILDING CONSENT)

Consultations and Views Expressed:

Neighbours Consulted: 68  
Replies: 0  
Neighbours Wishing To Speak: 0

Councillor's John and Duschinsky have requested the application be referred to the committee.

Date of Site Notice: 31 July 2014

Internal /Other Consultations:

Urban Design and Heritage Officer - the current proposal fails to achieve adequate sub-ordination to Chase Lodge and thus would have an adverse impact on the listed building and its setting.

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site relates to a Grade II listed building located on the east side of Page Street. The application site has permission for use as D2 (doctors surgery) and is located within the Green Belt.

Proposal:

The application proposes the demolition of existing ancillary building and erection of a new two storey building (lower ground and ground floor level) with a glass link way. The proposed extension would be constructed of materials to match the existing building and would measure approximately 12.5 metres wide, between 4.6 - 5 metres tall and 9.6 metres deep. The proposed link way would be constructed of glass and would measure approximately 9.4 metres wide, 3.5 metres tall and 2.6 metres deep. The proposed basement level extension would measure approximately 21.8 metres wide and 9.8 metres deep.

The extended ground floor section of the building would provide 8 recovery rooms, a lift, stairway, restroom, waiting area.

The extended lower ground floor section of the building would provide a day theatre, operating theatre, prep room, lift, staircase, store, utility room, monitored recovery area, office and changing areas/w.c.

The proposed scheme would provide a total ground floor area of 142m<sup>2</sup> and a floor area of 190m<sup>2</sup> at basement level.

### Planning Considerations:

The main considerations are:

- The impact of the proposal on the openness and character of the Green Belt
- The impact of the proposal on the historic character and architectural integrity of the Listed Building
- The impact on the amenity of neighbouring residents
- Whether the proposal would provide a sufficient parking allocation
- Other material planning considerations

### The impact of the proposal on the character and openness of the Green Belt

Section 79 of the National Planning Policy Framework 2012 (NPPF) states that "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". In addition to this, section 89 of the NPPF states that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building". Furthermore, policy DM15 states that "extensions to buildings in Green Belt or MOL will only be acceptable where they do not result in a disproportionate addition over and above the size of the original building or an over intensification of the use of the site".

The application proposes the demolition of the existing ancillary building and the erection of a replacement building and link way. The table below demonstrates the difference between the original and proposed volume of development above ground on the site as a result of the proposed extension:

	Original	Existing	Proposed
Volume (m <sup>3</sup> )	1965	2215	2633
% increase		12.7	34

The existing building that would be demolished measures approximately 10.6 metres wide, 6.2 metres deep and 4.8 metres tall. The proposed building would measure approximately 12.5 metres wide, 9.6 metres deep and between 4.6 to 5 metres tall. In addition to this, there would be a glass link way that would measure approximately 9.4 metres wide, 3.5 metres tall and 2.6 metres deep and a basement level that 21.8 metres wide and 9.8 metres deep.

There is currently consent for a development scheme (H/03136/13) which would provide approximately 93m<sup>2</sup> at ground floor level and 66m<sup>2</sup> at basement level.

The current proposal would provide a total ground floor area of 142m<sup>2</sup> and a floor area of 190m<sup>2</sup> at basement level.

In this instance the proposed replacement building and link way would result in a substantial increase in the volume of built form on the site, over and above the original form of the property. The replacement building and link way would also substantially increase the massing and bulk of the site, through an increase in the depth and width of the building on the front of the property. This would be to the detriment of the openness and character of the Green Belt, contrary to the National Planning Policy Framework 2012 and Development Management policy DM15.

### The impact of the proposal on the historic character and architectural integrity of the Listed Building

Section 132 of the NPPF states "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional".

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

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *"will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design"*. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that *"development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused"*.

The council's Urban Design and Heritage officer has stated that "the proposed building is considerably larger than the modest single storey building it would replace and is of a scale which would appear bulky and dominant in relation to Chase Lodge. It is almost as wide as the main house and would project beyond the building line by 2metres. It would also be positioned closer to the northern wing of the Listed Building than the existing structure". In addition to this, they have stated that "unlike the Listed Building, the proposal has a large crown roof

which includes an aluminium roof light in the centre. The proposed windows on the front elevation are not symmetrically positioned and spaces as those are on the Listed Building... these design elements distinguish it from the host building".

In this instance the proposed scale, siting and design of the proposal would fail to achieve adequate subordination to Chase Lodge and would have an adverse impact on the Listed Building and its setting. The proposal would therefore fail to sufficiently preserve or enhance the historic character and setting of the Grade II Listed Building and would be contrary to the National Planning Policy Framework 2012, Core Strategy policy CS5 and Development Management policies DM01 and DM06.

#### The impact on the amenity of neighbouring residents

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

The proposed new building and works, by virtue of their siting and scale in relation to neighbouring properties, would not have a detrimental impact on the amenity of any neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

#### Whether the proposal would provide a sufficient parking allocation

The application site currently provides 14 car parking spaces, including 2 disabled parking spaces. These would be retained and in addition 3 cycle parking spaces would be provided. This is considered to be sufficient for the use on the site.

#### Other material planning considerations

The applicant has stated that the proposal would provide facilities for the community and that there is a demand for the medical facility. The applicant's design and access statement has indicated that 'currently the hospital allows one surgical case per month to be gifted to the Chase Lodge Hospital Trust'. It has also been stated that 'the Chase Lodge Charitable Trust allows patients who cannot afford private medicine to be put forward so that the Trust can pay for their private care... if approved and the necessary funds are available, the Chase Lodge Hospital Charitable Trust will then fund the required care'.

In this instance it is considered that the building and site are principally used to provide private medical care that is not available to all members of the community. As such, the provision of these facilities is not considered to outweigh the harm that would result from the impact of the proposal on the

openness and character of the Green Belt and the historic character and setting of the Grade II Listed Building.

The conversion of the building into a Doctors surgery was granted in 2006. Conditions attached to the permission restricted the use to no more than 6 consultants and 2 ancillary staff at any time. Planning permission was granted for a modest extension in 2007 to provide space for a day surgery. This has been renewed. The current proposal seeks to significantly increase the surgical side of the business, so that it is no longer solely a Doctors surgery.

Landscaping - the application site features several trees that positively contribute to the character and appearance of the surrounding area. The trees are not subject to protection but the applicant has identified that trees would be retained as a result of the proposed development. There is therefore no objection to the proposal on landscaping grounds.

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

None

### **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 extensions and alterations to the building, by virtue of their scale and siting would result in disproportionate additions over and above the size of the original building. This would be to the detriment of the openness and character of the Green Belt, contrary to the National Planning Policy Framework 2012 and Development Management policy DM15.

The proposed scale, siting and design of the proposal would fail to achieve adequate subordination to Chase Lodge and would fail to sufficiently preserve or enhance the historic character and setting of the Grade II Listed Building. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Core Strategy policy CS5 and Development Management policies DM01 and DM06.

**SITE LOCATION PLAN: Chase Lodge, Page Street, London, NW7 2ED**

**REFERENCE: H/03896/14**



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**LOCATION:** Chase Lodge, Page Street, London, NW7 2ED

**REFERENCE:** H/03897/14

**Received:** 19 July 2014 **AGENDA ITEM 12**

**Accepted:** 18 July 2014

**WARD(S):** Mill Hill

**Expiry:** 12 September 2014

**Final Revisions:**

**APPLICANT:** Chase Lodge Hospital

**PROPOSAL:** Demolition of existing ancillary building and erection of a new two storey building (lower ground and ground floor level) (listed building consent)

**RECOMMENDATION: Refuse**

- 1 The proposed scale, siting and design of the proposal would fail to achieve adequate subordination to Chase Lodge and would fail to sufficiently preserve or enhance the historic character and setting of the Grade II Listed Building. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Core Strategy policy CS5 and Development Management policies DM01 and DM06.

**INFORMATIVE(S):**

- 1 The plans accompanying this application are: 7278-101P3, 7278-102p1, 7278-103P1, 7278-110P8, 7278-111P6, 7278-113P3, 7278-200P4, 7278-300P2, 7278-301P2, 7278-302P1, 7278-310P5, 7278-311P5, 7278-312P3, 7278-313P2, L4869-01A, Planning Statement and Heritage Assessment.
- 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.

**1. MATERIAL CONSIDERATIONS**

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development

CS5 - Protecting and Enhancing Barnet's character to create high quality places

## Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity  
DM02 Development standards  
DM06: Barnet's Heritage and Conservation  
DM15: Green Belt and Open Spaces

## Supplementary Planning Documents and Guidance

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

## Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

## Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

## Relevant Planning History:

W03477H/06 - Change of use from D1 (Doctors Surgery), External alterations including new ramp, extended rear access, rear dormer and parking - Approved 25/06/06

<b>Application:</b>	Planning	<b>Number:</b>	H/00200/13/ENQ
<b>Validated:</b>	06/09/2013	<b>Type:</b>	ENQ
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Emily Benedek
<b>Description:</b>	Demolition of existing outbuilding and construction of a day surgery facility and landscape upgrade.		

<b>Application:</b>	Planning	<b>Number:</b>	H/01630/14
<b>Validated:</b>	02/04/2014	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	28/05/2014
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Aahsanur Rahman
<b>Description:</b>	Demolition of existing ancillary building and construction of new single storey building with basement level including glazed link to existing Hospital.		

<b>Application:</b>	Planning	<b>Number:</b>	H/01631/14
<b>Validated:</b>	02/04/2014	<b>Type:</b>	LBC

**Status:** WDN **Date:** 28/05/2014  
**Summary:** WIT **Case Officer:** Aahsanur Rahman  
**Description:** Demolition of existing ancillary building and construction of new single storey building with basement level including glazed link to existing Hospital.(Listed Building)

**Application:** Planning **Number:** H/02335/10  
**Validated:** 10/06/2010 **Type:** APF  
**Status:** DEC **Date:** 03/08/2010  
**Summary:** APC **Case Officer:** Emily Benedek  
**Description:** Extension to the time limit for implementing planning permission W03477Q/07 granted 21/06/07 for 'Demolition of existing outbuilding. Construction of a new building with glazed link connecting to doctors surgery'.

**Application:** Planning **Number:** H/02955/13  
**Validated:** 17/07/2013 **Type:** APF  
**Status:** DEC **Date:** 06/09/2013  
**Summary:** APC **Case Officer:** Emily Benedek  
**Description:** Single storey temporary building in the grounds of Chase Lodge Hospital to be used as office accommodation for the duration of works.

**Application:** Planning **Number:** H/02956/13  
**Validated:** 17/07/2013 **Type:** LBC  
**Status:** DEC **Date:** 04/09/2013  
**Summary:** NDD **Case Officer:** Emily Benedek  
**Description:** Single storey temporary building in the grounds of Chase Lodge Hospital to be used as office accommodation for the duration of works.

**Application:** Planning **Number:** H/03136/13  
**Validated:** 22/07/2013 **Type:** APF  
**Status:** DEC **Date:** 11/09/2013  
**Summary:** APC **Case Officer:** Emily Benedek  
**Description:** Extension to the time limit for implementing planning permission (H/02335/10) granted (03/08/2010) for (Demolition of existing out-building & construction of a new building with glazed link connecting to doctors surgery).

**Application:** Planning **Number:** H/03167/13  
**Validated:** 09/08/2013 **Type:** LBC  
**Status:** DEC **Date:** 01/10/2013  
**Summary:** APC **Case Officer:** Emily Benedek  
**Description:** Demolition of existing out-building & construction of a new building with glazed link connecting to doctor's surgery (LISTED BUILDING CONSENT)

#### Consultations and Views Expressed:

Neighbours Consulted: 0  
Replies: 0

Date of Site Notice: 31 July 2014

The application was called in for discussion at committee by councillors Hart and Duschinsky

### Internal /Other Consultations:

Urban Design and Heritage Officer - the current proposal fails to achieve adequate sub-ordination to Chase Lodge and thus would have an adverse impact on the listed building and its setting.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a Grade II listed building located on the east side of Page Street. The application site has permission for use as D2 (doctors surgery) and is located within the Green Belt.

### Proposal:

The application proposes the demolition of existing ancillary building and erection of a new two storey building (lower ground and ground floor level) with a glass link way. The proposed extension would be constructed of materials to match the existing building and would measure approximately 12.5 metres wide, between 4.6 - 5 metres tall and 9.6 metres deep. The proposed link way would be constructed of glass and would measure approximately 9.4 metres wide, 3.5 metres tall and 2.6 metres deep. The proposed basement level extension would measure approximately 21.8 metres wide and 9.8 metres deep.

The extended ground floor section of the building would provide 8 recovery rooms, a lift, stairway, restroom, waiting area.

The extended lower ground floor section of the building would provide a day theatre, operating theatre, prep room, lift, staircase, store, utility room, monitored recovery area, office and changing areas/w.c.

The proposed scheme would provide a total ground floor area of 142m<sup>2</sup> and a floor area of 190m<sup>2</sup> at basement level.

The conversion of the building into a doctors surgery was granted in 2006. Conditions attached to the permission restricted the use to no more than 6 consultants and 2 ancillary staff at any time. Planning permission was granted for a modest extension in 2007 to provide space for a day surgery. This has been renewed. The current proposal seeks to significantly increase the surgical side of the business, so that it is no longer solely a doctors surgery.

### Planning Considerations:

The main considerations are:

- The impact of the proposal on the historic character and architectural integrity of the Listed Building
- Other material planning considerations

### The impact of the proposal on the historic character and architectural integrity of the Listed Building

Section 132 of the NPPF states "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional".

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

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *"will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design"*. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that *"development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused"*.

The council's Urban Design and Heritage officer has stated that "the proposed building is considerably larger than the modest single storey building it would replace and is of a scale which would appear bulky and dominant in relation to Chase Lodge. It is almost as wide as the main house and would project beyond the building line by 2metres. It would also be positioned closer to the northern wing of the Listed Building than the existing structure". In addition to this, they have stated that "unlike the Listed Building, the proposal has a large crown roof which includes an aluminium roof light in the centre. The proposed windows on the front elevation are not symmetrically positioned and spaces as those are on the Listed Building... these design elements distinguish it from the host building".

In this instance the proposed scale, siting and design of the proposal would fail to achieve adequate subordination to Chase Lodge and would have an adverse impact on the Listed Building and its setting. The proposal would therefore fail to sufficiently preserve or enhance the historic character and setting of the

Grade II Listed Building and would be contrary to the National Planning Policy Framework 2012, Core Strategy policy CS5 and Development Management policies DM01 and DM06.

#### Other material planning considerations

The applicant has stated that the proposal would provide facilities for the community and that there is a demand for the medical facility.

The applicant's design and access statement has indicated that 'currently the hospital allows one surgical case per month to be gifted to the Chase Lodge Hospital Trust'. It has also been stated that 'the Chase Lodge Charitable Trust allows patients who cannot afford private medicine to be put forward so that the Trust can pay for their private care... if approved and the necessary funds are available, the Chase Lodge Hospital Charitable Trust will then fund the required care'.

In this instance it is considered that the building and site are principally used to provide private medical care that is not available to all members of the community. As such, the provision of these facilities is not considered to outweigh the harm that would result from the impact of the proposal on the openness and character of the Green Belt and the historic character and setting of the Grade II Listed Building.

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

None

### **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 scale, siting and design of the proposal would fail to achieve adequate subordination to Chase Lodge and would fail to sufficiently preserve or enhance the historic character and setting of the Grade II Listed Building. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Core Strategy policy CS5 and Development Management policies DM01 and DM06.

**SITE LOCATION PLAN: Chase Lodge, Page Street, London, NW7 2ED**

**REFERENCE: H/03897/14**



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**LOCATION:** 93 Edgwarebury Lane, Edgware, Middx, HA8 8NA  
**REFERENCE:** H/01698/14 **Received:** 28 March 2014  
**WARD(S):** Edgware **Accepted:** 23 July 2014  
**Expiry:** 17 September 2014  
**Final Revisions:**

**APPLICANT:** Dr Patel

**PROPOSAL:** Conversion of house into 3no. self contained units.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Site Location Plan; 01; 02; 03; 04; 05; 06; 07.

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

Reason:

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

- 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 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).

- 6 The building in question (93 Edgwarebury Lane, HA8 8NA) shall only be used as three separate flats and shall not be sub-divided further to provide additional separate residential units at the site.

Reason:

To ensure that the use of the site is not over intensive.

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

Reason:

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

- 8 Before 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.

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

Reason:

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

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

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

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

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

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

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

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

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

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

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

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

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

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

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

#### Relevant Local Plan (2012) Policies:

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

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

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

#### Supplementary Planning Documents and Guidance

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

#### Relevant Planning History:

##### **Site history for current landparcel :**

86559 - 93 Edgwarebury Lane, Edgware, Middx, HA8 8NA

Case Reference: **H/01698/14**

**Application:** Planning  
**Validated:** 13/02/2012

**Number:** H/00528/12  
**Type:** HSE

**Status:** DEC **Date:** 12/06/2012  
**Summary:** APC **Case Officer:** Cathy Munonyedi  
**Description:** Single storey rear and side extension. New front porch. Conversion of existing garage into a habitable room.

**Application:** Planning **Number:** H/02697/13  
**Validated:** 17/07/2013 **Type:** 192  
**Status:** DEC **Date:** 23/07/2013  
**Summary:** LW **Case Officer:** Komal Gorasia  
**Description:** Extension to roof including rear dormer, 1no. rear rooflight, 1no. side rooflight and 3no. front rooflights, to facilitate a loft conversion.

**Application:** Planning **Number:** H/02825/13  
**Validated:** 17/07/2013 **Type:** 192  
**Status:** DEC **Date:** 26/07/2013  
**Summary:** ULW **Case Officer:** Harriet Beattie  
**Description:** First floor rear extension.

**Application:** Planning **Number:** H/03911/13  
**Validated:** 09/09/2013 **Type:** HSE  
**Status:** DEC **Date:** 21/10/2013  
**Summary:** APC **Case Officer:** Komal Gorasia  
**Description:** First floor rear extension.

**Application:** Planning **Number:** W/06376/A/01  
**Validated:** 16/02/2001 **Type:** APF  
**Status:** DEC **Date:** 02/04/2001  
**Summary:** APC **Case Officer:** Lesley Feldman  
**Description:** Demolition of existing garage and erection of a two storey side extension.

**Application:** Planning **Number:** W/06376/B/01  
**Validated:** 10/04/2001 **Type:** APF  
**Status:** APD **Date:** 21/05/2001  
**Summary:** DIS **Case Officer:**  
**Description:** Demolition of existing shed and garage and erection of two storey, detached dwelling.

## Planning applications picked up in spatial search

**Site Address:** 93 Edgwarebury Lane Edgware  
**Application Number:** W06376  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 05/03/1980  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **New vehicular access and widening of existing vehicular access.**  
**Case Officer:**

## Consultations and Views Expressed:

Neighbours Consulted: 42                      Replies: 5  
Neighbours Wishing To Speak 0

5 objections received which may be summarised as follows:

- Number of cars on Edgwarebury Lane would increase
- concerns regarding the disruption during building works
- loss of light if the height of the building increases
- Edgwarebury Lane is becoming a street with more flats than houses and its impact on the natural beauty and quietness
- is out of character with the surrounding houses
- with the development of flats around London Academy there is no need for more flats
- the works to the house appear to have been on-going for a considerable time and it appears as if the conversion has taken place
- noise levels will rise
- insufficient car park spaces
- complaints regarding the workmanship of the builders

Date of Site Notice: 31 July 2014

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site property is a two storey semi-detached single family dwellinghouse located on Edgwarebury Lane; at the corner with Fairview Way.

The property has benefitted from numerous extensions which comprise of single storey side and rear extension; rear roof dormer extension; two storey side extension; first floor rear extension. The total floor area of the property is therefore 268 sqm.

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

### Proposal:

The application seeks permission for the conversion of the property into 3no self-contained flats and no building works are proposed apart from additional windows and door to front, side and rear elevations.

Flat 1 - 2 bedroom unit with an area of 68 sqm and 78 sqm of amenity space

Flat 2 - 2 bedroom unit with an area of 65 sqm and 101 sqm of amenity space

Flat 3 - 3 bedroom unit with an area of 110 sqm and 142 sqm of amenity space

Although no parking provisions have been shown on the plans, the site has an ample front hardstanding area and an existing crossover which is more than adequate to accommodate 3no cars on site. A condition has been attached requesting

details of parking layout to be submitted and approved by the Local Planning Authority.

### Planning Considerations:

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

- Whether the principle of residential units 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

### Whether the principle of residential units is appropriate for the area:

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

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

Within Chapter 2 of the Council's Development Management Policies, which is a material consideration in the determination of this application, the Council state the following:

*"The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries."*



The principle of converting the premises into three self contained flats would not harm the residential character of the area and would not represent the over intensive use of the property. The area has been surveyed and there is evidence that a number of properties have been converted into flats in the vicinity of the application site, these include Nos. 36, 40, 42 and 63. Nos 102 and 113 were granted planning permission over recent years to convert into 5no units and 3no units respectively.

Therefore the proposed conversion is not considered to detract from the mixed character of the area, which accommodates both converted properties and single family dwelling houses. Future conversion of the building into a house of multiple occupation (HMO) would not be supported however. A condition has been attached restricting the conversion into a HMO.

*Whether the proposal will provide suitable accommodation for future occupiers;*

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

This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'. The extensions to provide for the new self-contained flats are designed to allow for adequate daylight to the proposed unit. The proposal is consistent with the Council's Sustainable Design and Construction SPD (2013) in relation to gross internal area, layout, privacy and access to daylight and the external manifestation of the building respects the constraints of the site and does not detract from the residential amenity of character of the area

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.

In line with Table 2.1 within the Sustainable Design and Construction SPD (and the London Plan Standards), the proposed flats meet the required Gross Internal Area standard in accordance with policy within Council's Development Management Policies.

Flat 1 provides 68 sqm which is in line with the required 61-70sqm for a 2 bedroom flat

Flat 2 provides 65 sqm which is in line with the required 61-70 sqm for a 2 bedroom flat

Flat 3 provides 110 sqm which exceeds the required 74-95 sqm for a 3 bedroom flat

The flats will be stacked (i.e. the bedrooms will be directly above or below each other) as well as is possible to reduce disturbance for occupiers.

Policy DM04 explains that 'Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.'

A planning condition will ensure that adequate sound insulation is provided between the proposed and existing flats. These issues will also be addressed at the building regulations stage.

In terms of parking, the site is located adjacent to a bus stop and is in close proximity to good public transport links and so there would be no need for reliance on a private car. However, the site comprises of a large front hardstanding area and an existing crossover. This is considered to be of a sufficient size and would be able to accommodate 3no cars in line with the Councils requirement. A condition has been attached requesting details of parking layout to be submitted and approved by the Local Planning Authority.

With regard to refuse, the property has adequate space for the provision of bin stores.

All the flats will have access to the rear amenity space which is considered to be a sufficient size and accords with the outdoor amenity space Table 2.3 within the Sustainable Design and Construction SPD.

*Whether harm would be caused to the living conditions of neighbouring residents;*

Noise can be a significant nuisance in urban areas. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential properties. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision. This issue will also be addressed at the building regulations stage.

Given that no extensions are proposed, the proposal is not considered to have a detrimental impact on the visual amenities of the neighbouring occupiers. Impacts to neighbouring visual and residential amenity have been assessed and addressed in the approved applications for the extensions to the property.

*Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality*

The application does not propose any external changes to the property apart from an additional door and window to the front, side and rear elevations, and the access to the site for the separate units will remain via 1no entrance door therefore maintaining the appearance of a single family dwellinghouse. The proposal is therefore not considered to have an adverse impact on the character and appearance of the application site or the streetscene.

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

Addressed in report above.

The workmanship of builders 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**

The application is recommended for **APPROVAL subject to the attached conditions.**

**SITE LOCATION PLAN:** 93 Edgwarebury Lane, Edgware, Middx, HA8 8NA

**REFERENCE:** H/01698/14



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