

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 4TH NOVEMBER, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

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

Chairman: Cllr Maureen Braun
Vice Chairman: Cllr Brian Gordon

Councillors

Claire Farrier	Sury Khatri Hugh Rayner	Gill Sargeant Agnes Slocombe
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Substitute Members

Mark Shooter Val Duschinsky	Helena Hart Dr Devra Kay	Charlie O'Macaulay Zakia Zubairi Tom Davey
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You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Services contact: Sheri Odoffin sheri.odoffin@barnet.gov.uk 0208 349 3104

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	1 - 6
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	REPORT OF THE MONITORING OFFICER (IF ANY)	
5.	PUBLIC QUESTION AND COMMENTS (IF ANY)	
6.	MEMBERS' ITEMS (IF ANY)	
	Reports of the Assistant Director of Development Management and Building Control	
	West Hendon Ward	
7.	36 Woolmead Avenue London NW9 7AY - 15/04227/HSE	7 - 14
8.	The Hendon 377 Hendon Way London NW4 3LP - 15/05457/FUL	15 - 22
9.	7 Edgeworth Avenue London NW4 4EX - 15/05663/S73	23 - 34
10.	Hendon Ward	
11.	3 Danescroft Gardens, London, NW4 2ND - TPF/00584/15	35 - 46
12.	Hale Ward	
13.	122 Hale Lane London NW7 3SE - 15/05335/FUL	47 - 58
14.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

17 September 2015

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)
Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri

Councillor Hugh Rayner
Councillor Agnes Slocombe

Apologies for Absence

Councillor Gill Sargeant

1. MINUTES

RESOLVED that the minutes of the meeting held on 27 July, 2015 be approved as a correct record and signed by the Chairman.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Gill Sargeant's apology was received.

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

1 Langley Park (Agenda item 7 refers)

Councillor Rayner declared a non-prejudicial interest, as he was familiar with some of the residents in Langley Park and Councillor Davey.

Councillor Khatri declared a non-prejudicial interest, as he was familiar with some of the residents in Langley Park and Councillor Davey.

4. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

5. MEMBERS' ITEMS (IF ANY)

None.

6. REPORT OF THE MONITORING OFFICER (IF ANY)

There was not a report.

7. 36 WOOLMEAD AVENUE LONDON NW9 7AY - 15/04227/HSE

RESOLVED that this item be deferred for enforcement investigation into the existing ground floor rear extension at the property.

8. 117-125 WEST HENDON BROADWAY LONDON NW9 7BP - 15/00750/FUL

The Committee heard representations Benedict Smith, Abuzar Ahmed and Richard Henley (agent).

RESOLVED that the application be approved, subject to S106, the recommendations detailed in the report and the addendum.

FOR: 4

AGAINST: 2

ABSTENTIONS: 0

9. 42 SEVINGTON ROAD LONDON NW4 3RX - 15/04283/HSE

The Committee heard a representation from Johanna Millward.

RESOLVED that the application be approved, subject to the recommendations detailed in the report and the addendum.

FOR: 4

AGAINST: 0

ABSTENTIONS: 2

10. 66 UPHILL ROAD LONDON NW7 4PU - 5/04704/FUL

The Committee heard representations from Mr Leslie Elstein, Mr Obadia and Steven Novack (agent).

RESOLVED that the application be approved as per the agenda and addendum, plus the following:

As per agenda and addendum, plus the following:

Condition 14 to be amended to the following:

Sight Lines

a) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, no development shall take place until full details (including scaled drawings) demonstrating how a vehicular sight line of 4.5 metres by 43 metres either side of the proposed site access with the Public Highway will be provided has been submitted to and approved in writing by the Local Planning Authority.

b) No unit shall be occupied or brought into use until the development has been implemented in full accordance with the details as approved under this condition. The development shall be permanently maintained in accordance with the approved details thereafter.

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

Additional Condition: Parking

Before the development hereby permitted is first occupied turning space and parking spaces shall be provided within the site in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

Additional condition: Sustainable Urban Drainage System

a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

FOR: 5

AGAINST: 0

ABSTENTIONS: 1

11. 71 VIVIAN AVENUE LONDON NW4 3XE - 15/03894/FUL

The Committee heard representations from Mr Spiro Novruzai and Mr Tim Benton.

RESOLVED that the application be approved As per agenda and addendum, and the following:

Additional Condition: Drainage

a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

Additional Condition: Use

The premises shall be used as a single family dwellinghouse (C3(a)) and for no other purpose (including any other purpose in Class C3 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.

Additional Informative: Future applications

The applicant is advised that any future extensions proposed at this property are unlikely to be considered favourably by the Council.

FOR: 5

AGAINST: 1

ABSTENTIONS: 0

12. 1 LANGLEY PARK LONDON NW7 2AA - 15/04278/HSE

The Committee received the report.

RESOLVED that the application be approved as per the agenda and addendum, and the following:

Additional Condition: Drainage

a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy

(adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

FOR: 6

AGSINST: 0

ABSTENTIONS: 0

13. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.55pm

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Location **36 Woolmead Avenue London NW9 7AY**

Reference: **15/04227/HSE**

Received: 7th July 2015

AGENDA ITEM 7

Accepted: 13th July 2015

Ward: West Hendon

Expiry 7th September 2015

Applicant: Mrs Uzma Khan

Proposal: Retention of single storey rear extension and proposed first floor rear extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 36WOOL/0715/01 Rev A; 36WOOL/0715/02 Rev A.

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

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

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

Informative(s):

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

Officer's Assessment

APPLICATION CALLED TO COMMITTEE BY CLLR ADAM LANGLEBEN - Concern about loss of light to neighbours

This application was deferred from the Hendon Area Planning Committee dated 17th September 2015 so that officers can seek clarification on the submitted plans.

The application, as originally submitted, showed the ground floor rear extension with a depth of 5.8m. The extension, in fact, as built has a depth of 6m. given the inaccuracies in the plans the application was deferred from the committee to allow officers to request amended plans and the opportunity to reconsult the neighbours on the amended plans.

Plans have been amended showing a 6m deep extension, which reflects what's been built on site. Neighbours have been reconsulted for further 28 days however no additional responses have been received.

1. Site Description

The application site is a two storey semi-detached dwellinghouse located on Woodmead Ave; a residential road which lies within the West Hendon ward of the South area.

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

2. Site History

Reference: H/02604/14

Address: 36 Woolmead Avenue, London, NW9 7AY

Decision: Prior Approval Not Required

Decision Date: 20 June 2014

Description: Single storey rear extension with a proposed maximum depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 2.95 metres.

3. Proposal

The application seeks to retain the ground floor rear extension as built; measuring 6m deep across the full width of the property

Consent is also sought for a first floor rear extension; measuring 2.9m in depth and set away 2.5m from the adjoining boundary and set away 2.3m from the non-adjoining property.

4. Public Consultation

Consultation letters were sent to 3 neighbouring properties.

3 responses have been received, comprising 3 letters of objection

The objections received can be summarised as follows:

- loss of light and sun
- invade neighbouring privacy
- the ground floor extension is blocking light to neighbouring windows

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

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

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

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

The Council's adopted SPD 'Residential Design Guidance' (2013) states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant; extensions should normally be consistent in regard to the

form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

Para 14.13 of the SPD states that where there is a consistent and coherent architectural character, the extension should not detract from it. Any extension should sit comfortably with the main building and with neighbouring houses.

The property was granted Prior Approval with neighbouring consultation for a 6m deep single storey rear extension; this has since been built on site. Although objections have been received in respect of the ground floor extension, it should be noted that the Prior Approval for Householder Extensions application goes through a neighbouring consultation and at the time of the application no objections had been received.

This application seeks consent for the first floor extension.

The limited depth of the extension and its distance to the rear facing first floor windows at both neighbouring properties is deemed sufficient enough as to not cause a detrimental impact on neighbouring amenity in regards to loss of light or overshadowing. Furthermore, given the orientation of the property and its relationship to the non-adjoining property, the proposal is not deemed to result in the loss of enjoyment of the neighbouring garden. In addition to this, the non-adjoining property is set slightly rearward than the host property and therefore the proposal would not extend considerably further rearward than the rear wall of this neighbouring property.

The proposal, by reason of its size, design and considerable set down from the main ridge height, is deemed to result in a subordinate addition to the property whilst respecting the original proportions of the dwelling. In this regard, the proposal is not considered to adversely impact the character and appearance of the application site or surrounding area.

It should be noted that it is recommended that a condition be attached to the decision to ensure first floor side facing windows cannot be inserted without consent; this is to ensure that the amenities of both neighbouring occupiers are not compromised in regards to overlooking and loss of privacy.

5.4 Response to Public Consultation

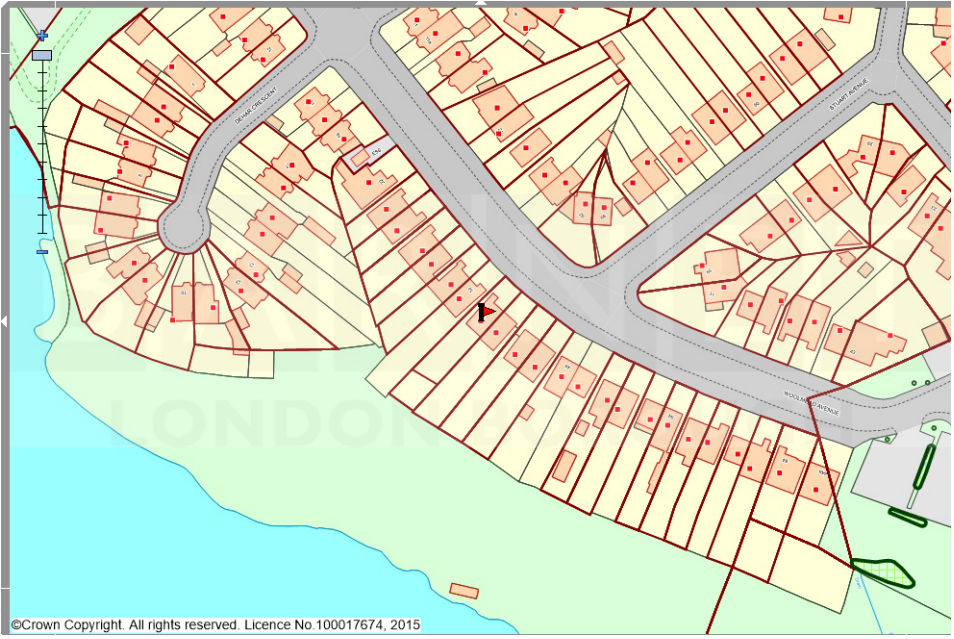
Addressed in report above.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location **The Hendon 377 Hendon Way London NW4 3LP**

Reference: **15/05457/FUL**

Received: 28th August 2015

AGENDA ITEM 8

Accepted: 28th August 2015

Ward: West Hendon

Expiry 23rd October 2015

Applicant:

Proposal: Change of use of first floor from offices to training and development kitchen
(sui generis) Installation of ventilation/extraction system to rear

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2664.05.02; 2664.SK4.00; 18935/2; 18935/3; 087278 RevA; 087278 RevA; 087278 RevA; 087278 RevA; environmental noise assessment report dated October 2015.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 level of noise emitted from the flue and extraction equipment 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 Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 4 The development shall be implemented in accordance with details of mitigation measures as identified within the environmental noise assessment report dated October 2015 submitted as part of the application before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory amenity in regards to noise levels; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

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

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

Informative(s):

Officer's Assessment

1. Site Description

The application site is an existing two storey building with rooms in the roof space. The ground floor of the unit is currently occupied as a public house. The upper floor of the building is in use as offices.

2. Site History

Address: The Hendon PH, 377 Hendon Way, London, NW4 3LP

Decision: Approved with conditions

Decision Date: 3 December 1980

Description: Change of use of first floor of premises from public house and manager's flat to office accommodation.

3. Proposal

The application relates to the change of use of first floor from offices to training and development kitchen (sui generis) Installation of ventilation/extraction system to rear.

4. Public Consultation

Consultation letters were sent to 98 neighbouring properties.

8 responses have been received, comprising 7 letters of objection, 1 letter of support and 0 letters of comment.

The objections received can be summarised as follows:

- Loss of office space.
- Would have to consider leaving current job if company was forced to leave existing premises.
- Impact on personal life including, childcare arrangements, less time at home, increased commuting time, financial implications.
- Impact on existing businesses - including financial, personnel changes and struggle to find other suitable premises.
- Potential impact on customers.
- No other suitable offices in NW4 location.
- Work with students from Middlesex it would be a shame for them to lose this opportunity if business moves out.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Acceptability of the principle of the land use

The scheme would involve the loss of separate active office accommodation within the existing building and the creation of a corporate training and education facility. Policy DM14 of the Local Plan states that the loss of existing B class use will only be permitted where it can be demonstrated to the Council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of marketing has been undertaken. In addition, proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted. Where there is a loss, contributions should be made in mitigation for employment training.

The proposed new use of the premises is as a training centre for catering and bar staff working for Greene King. The premises are laid out with two training kitchens, two classrooms and a training bar. Each class room has capacity for 12 people based on the indicated layout although undoubtedly, there would be capacity for a greater number given that the training kitchen has an approximate floor area of 120sq.m.

Nominally, the use of this facility would be D1 (training and education), however, it is possible to consider that the use could fall under a number of categories. An earlier appeal decision in Wales has previously suggested that the use could be B1, where the process of education/training might lead to the manufacture of processes or goods. However, given that the 'manufacture' would take place at Greene King's portfolio of pubs across the country rather than not necessarily on site it is considered that the B1 use class may not be the nature of the use that would be undertaken. Alternatively, this might also be considered to be ancillary to the A4 use on the ground floor. However, given the size, intensity and impact of the use as well as the fact it would not normally be used for visiting members of the public, it is suggested also that it would not form part of the A3 or A4 use.

In addition, given the nature of the use as a training facility for cooking and catering processes that would also include the necessity for extraction, filtration and ventilation and the combination of both uses and impacts, it could be argued that the use could also be sui generis.

Given these possibilities, it is considered that the nature of the proposed use: training, cooking and preparing/developing services with impacts on noise and air quality would generate a particularly unique form of land use activity that does not fall cohesively into one particular use class.

Given that the proposed use would be sui generis (albeit with a training/education lead) this response now follows on to the acceptability of the principle of change of use. Policy DM14 addresses the principle of the loss and supply of new and existing employment floorspace. There is a clear presumption in this policy for the retention of employment or B1 floorspace and generally, its loss should be exceptional based on an appraisal of its viability to either continue functioning in the short, medium and long term or to be reoccupied within the same timescale. This should be demonstrated through the provision of evidence of a marketing campaign. However, given the nature of the proposed use as a training facility that will also provide employment opportunities within the borough the loss of these offices to be replaced by a training facility would be acceptable.

Given the use of the floorspace as a training facility for staff attached to the ground floor use and for similar premises across the country it is considered that the nature of the use would be consistent with the development and maintaining the commercial interest of the premises. It should also be noted that the policy also requires that contributions should be made in relation to training to mitigate against the loss of the employment floorspace.

However, given that the proposed facility would be a training facility, it is considered that it would not be reasonable to seek this contribution at application stage.

On the basis that this proposed land use would be sui generis for education purposes albeit as an education/training facility, it is considered that policy DM13 would be relevant in the evaluation of the application. New community or education uses are promoted and encouraged and would generally be acceptable subject to particular locational conditions, based on accessibility or general amenity impact for residents and the safety and effectiveness of the highway. The site has a PTAL 4 rating, is close to Hendon Central underground station and also benefits from off street car parking. The traffic and development team have reviewed the application and raise no objections to the proposal. In addition, TfL have commented on the application and have no comments relating to the proposal.

It is acknowledged that the existing offices are currently in occupation and no active marketing has been carried out for the units for B1 use. However, on balance given the type of proposed use which will replace the offices and the benefits of providing education/training facilities within the borough and given that the proposed use will still be an employment generating facility and in accordance with policy DM13 that seeks to encourage education uses it is considered that due to the specific circumstances of this application and the proposed use on balance the loss of the offices is acceptable. This would not set a precedent for the loss of other office uses in the area, given the specific nature of the replacement use.

Impact on neighbouring buildings

Generally, food and drink uses give rise to a range of impacts in relation to air quality, noise generation, servicing and deliveries and hours of use. The scheme under consideration would result in the intensification of the existing use by way of a 120sq.m main training kitchen, a secondary smaller kitchen and a 'development bar'. The application proposal is to change the use of the first floor of the public house from offices to a training kitchen to be used by Greene King. The kitchen will be used to develop new dishes to be rolled out across the country and to train the chefs who will prepare them. This ties in with Greene King's commitment to training and developing its staff, including running an apprenticeship scheme. The training/development kitchen would employ four trainers, two food development chefs and a kitchen assistant. Greene King expect approximately 120 staff will pass through each week.

It is not considered that the proposed intensity of the use will result in harmful movements for the neighbouring residential occupiers.

The environmental health team have reviewed the report submitted as part of the application and raise no objection to the ventilation and extraction system provided.

Impact on character and appearance of host property and surrounding area

Given the fact that the proposed development is principally for a change of use, there would not be any need for substantial physical alterations to the property other than the installation of the extraction flue.

5.4 Response to Public Consultation

Due to the nature of the proposed use it is not considered that the

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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Location 7 Edgeworth Avenue London NW4 4EX

Reference: 15/05663/S73

Received: 9th September 2015

Accepted: 11th September 2015

Ward: West Hendon

Expiry 6th November 2015

Applicant: Mrs Naomi Perah

Proposal: Variation of Condition 1 (approved plans) to planning permission 14/07089/FUL for "Demolition of existing house and erection of new single two storey dwelling" dated 12/03/2015

AGENDA ITEM 9

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 06. 936.01 (Existing site plan) dated Oct 2014
 - 06. 936.02 (Existing Elevations) dated Oct 2014
 - 06. 936.03 (Existing Site Plan) dated Oct 2014
 - 06. 936.06 Rev F (Proposed Ground and First Floor) dated Oct 2015
 - 06. 936.08 Rev E (Proposed Elevations) dated Sept 2015
 - 06. 936.09 Rev F (Proposed Side Elevations) dated Oct 2015
 - 06. 936.10 Rev F (Proposed Sections) dated Oct 2015

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of the original permission reference 14/07089/FUL dated 12/03/2015.

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 5 a) The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (November 2010) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits.

b) No dwelling shall be first 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 Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm 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 Development Management Policies DPD (adopted September 2012).

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing 9 Edgeworth Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development

Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 8 The roof of the single storey rear projections 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 Development Management Policies DPD (adopted September 2012).

- 9 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 of Schedule 2 of that Order shall be carried out within the area of 7 Edgeworth Avenue hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £8,487 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 £32,735 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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 CIL 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.

Relief or Exemption from CIL:

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

You can apply for relief or exemption under the following categories:

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

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

2. Residential Annexes or Extensions: 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

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

Officer's Assessment

1. Site Description

The application property is a detached dwellinghouse located on the corner with Edgeworth Crescent. The property is in a predominately residential location. Properties in the surrounding area have benefitted from various extensions. The application property shares adjoining boundaries with no.9 Edgeworth Avenue, the rear boundary of the property is shared with no.2 Edgeworth Crescent.

The site contains no listed buildings and is not designated as Article 2(3) (Conservation Area). There are no Tree Preservation Orders on or near to the site. There exist no outstanding conditions on the applicant property which might limit development.

2. Site History

Reference: 15/04602/192

Address: 7 Edgeworth Avenue London NW4 4EX

Decision: Lawful

Decision Date: 04.08.2015

Description: Single storey outbuilding to rear of the property

Reference: 14/07089/FUL

Address: 7 Edgeworth Avenue London NW4 4EX

Decision: Approved subject to conditions

Decision Date: 02.03.2015

Description: Demolition of existing house and erection of new single two storey dwelling

Reference: W11723B/05

Address: 7 Edgeworth Avenue London NW4 4EX

Decision: Refused - Appeal Dismissed

Decision Date: 04.07.2005

Description: Two-storey side extension. Alteration to the roof including a rear dormer window to facilitate a loft conversion

Reasons for refusal:

1) The proposed development by reason of its siting, scale, bulk and design would be out of character of the dwellinghouse, the streetscene, and the visual and residential amenities of locality

Reference: W11723A/02

Address: 7 Edgeworth Avenue London NW4 4EX

Decision: Approved subject to conditions

Decision Date: 05.06.2002

Description: Proposed ground floor side extension.

Reference: W11723

Address: 7 Edgeworth Avenue London NW4

Decision: Approved subject to conditions

Decision Date: 22.02.1999

Description: Ground and first floor rear extension. Rear dormer window.

3. Proposal

Planning application 14/07089/FUL dated 02.03.2015 granted permission for the demolition of existing house and erection of new single two storey dwelling. This application seeks to vary condition 1 of this permission (plans).

The proposed variation to the approved scheme is as follows:

- An additional single storey rear projection with a depth of 2.5m and a width of 6.9m. The extension would feature a flat, green roof (sedum covered) with a height of 3m. The proposed additional projection would be situated at the North Eastern corner of the property, towards Edgeworth Crescent and would provide additional floor area to the proposed kitchen.

4. Public Consultation

Consultation letters were sent to 27 neighbouring properties, a site notice was posted on the 17.09.2015.

3 responses have been received, comprising 3 letters of objection. A petition against the proposed development was additionally received containing a total of 12 signatures.

The objections received can be summarised as follows:

- Objection to siting of proposed development in relation to outbuilding approved by application 15/04602/192
- Concern that previous certificate did not include a consultation process
- Resulting dwelling will be uncharacteristic in scale, bulk, siting and design.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 2015

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

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM16, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Residential Design Guidance SPD (adopted April 2013)

- Provides detailed residential design guidance on issues relevant to Barnet such as local character, density, built form, car parking, amenity space standards, and sets out the local priorities for protecting and enhancing Barnet's character.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principal of residential development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- Whether harm would be caused to the living conditions for new residents
- Whether harm would be caused to the living conditions of neighbouring residents

5.3 Assessment of proposals

Following discussions, the scale and height of the proposed variation has been significantly reduced in order to address officers' concerns.

Due to the siting, design and size of the proposed extension it is also not considered that the variation to the proposed scheme would cause any additional impact upon the amenities of any neighbouring resident. The proposed variation to the approved scheme would lead to an increase in the living standards for future occupiers, no objection is therefore raised in respect to the living standards for future residents. The main issue for consideration is therefore whether the proposed variation would cause significant harm to the character of the approved dwelling, streetscene and local area.

It is acknowledged that the approved scheme would represent a significant increase in scale from the existing dwelling. This scheme was however considered acceptable during planning application 14/07089/FUL dated 02.03.2015 and this consideration is maintained. The proposed variation would introduce an additional single storey projection to the rear of the dwelling and would further increase the floor area of the property. Notwithstanding this, the revised variation would represent a moderate increase in area and is considered reasonable in terms of desire for a larger kitchen area.

The form, depth, width and roof style would match the single storey projection which was included in the approved scheme, adjacent to the boundary with no.9 and would thus not appear out of character with the approved dwelling. The proposed extension would appear as a subordinate feature which would be sympathetic to the design and proportional to the approved dwelling. It is not considered that the variation to the approved scheme would detract from the character of the approved dwelling. The additional single storey extension is not considered to represent an overdevelopment of the site, with a sizeable rear garden being retained.

The site boundary abutting Edgeworth Crescent is enclosed by a close boarded fence with a height sufficient to obscure the single storey rear projection from view from this street. Similarly, because of its siting the extension would not be overly noticeable from Edgeworth road. As such the proposed variation would not cause any impacts upon either streetscene or upon the character of the local area.

5.4 Response to Public Consultation

A major concern raised in received comments relates to Proposed Lawful Development Certificate 15/04602/192 dated 04.08.2015 on the application site. This certificate deemed an outbuilding in the rear garden of the existing property lawful. This outbuilding was not in existence at the time of the site visit.

It should be noted that the certificate of lawful development would relate to the existing dwelling only. The only way to lawfully implement both the outbuilding and the approved dwelling would be to construct the outbuilding prior to the existing dwelling's demolition and retain it during construction. If the development approved in application 14/07089/FUL was commenced prior to an outbuilding being in existence, this certificate would be quashed. Furthermore a condition was placed upon the previous approval which removed permitted development rights for the approved dwelling including Class E (outbuildings). This condition is again proposed.

It is therefore not considered that the potential outbuilding would be realistic/viable to implement if the redevelopment scheme were to be implemented. .

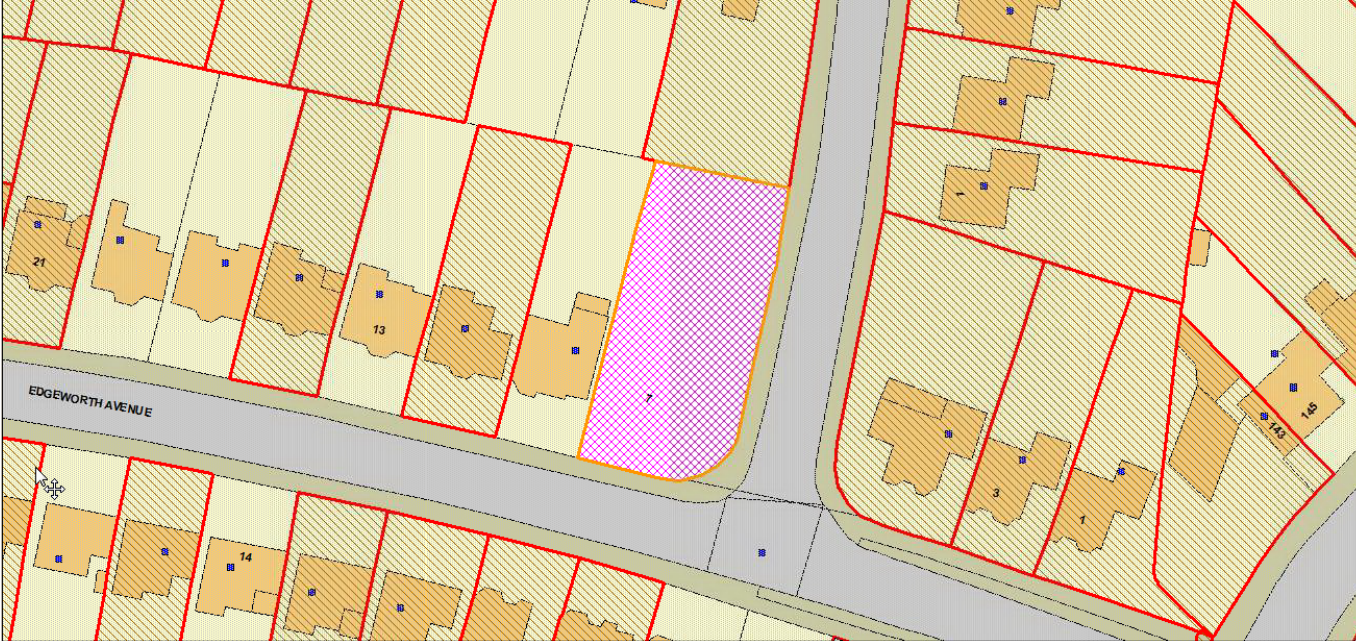
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

Site Plan:



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COMMITTEE REPORT

LOCATION: 3 Danescroft Gardens, London, NW4 2ND

REFERENCE: TPF/00584/15

Received: 21 August 2015

WARD: Hendon

Expiry: 16 October 2015

CONSERVATION AREA None

AP Viridian Mrs Shapiro
PLI Housing Dobbin & Sullivan Chartered Surveyors
CA G and R Tree
NT: Surgeons

AGE

NT:

PROPOSAL: 1 x Pine – Fell. Standing in Woodland W9 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Pine – Standing in Woodland W9 of Tree Preservation Order, either:

REFUSE CONSENT for the felling of 1 x Pine for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged property damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) shall be planted within 12 months of the commencement of the approved treatment (either wholly or in part). The replacement tree(s) shall be maintained and / or replaced as necessary until 1 new tree(s) are established in growth.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Consultations

Date of Site Notice: 3rd September 2015

Consultees:

Neighbours consulted: 7

Replies: None

Council's Greenspaces Arboricultural team: see body of report

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Treeworks:-

W04929F/07/TRE – 1 x Pine Tree - Reduction in Density and Width by 2/3rd. Standing in Woodland W9. Registered 5th January 2007.

- **REFUSED** 13th February 2007.

W07544J/08/TRE - 1 x Pine - reduction in density by 25%. Standing in Woodland W9 of Tree Preservation Order. Registered 18th January 2008.

- **CONDITIONAL APPROVAL** 28th February 2008.

TPO/00633/12/H - 1 x Pine (T1 Applicants Plan) - Fell. Standing in Woodland W9 of Tree Preservation Order. Registered 2nd November 2011.

- **REFUSED** by the West Area Planning Sub-Committee 9th January 2013.

TPO/00102/13/H - 1 x Pine (T1 Applicants Plan) - Lift to 5m Height all round, reduce from property to give 0.5m clearance from building and balance crown all-round by lateral spread reduction of up to 1.5m (refer to photo attached to applicant's e-mail of the 19th April 2013 for "estimated shape of the after pruning"). Standing in Woodland W9 of Tree Preservation Order. Registered 25th February 2013.

- **CONDITIONAL APPROVAL** 22nd April 2013.

Development at 2/3 Danescroft Gardens since 2004:-

W07544C/04 – Demolition of existing house and infill between no.s 2 & 3, including excavation of basement. Construction of a new 4 storey 8 bedroom house with integral garage - at **2 / 3 Danescroft Gardens**. Registered 4th November 2004

- **REFUSED** 26th January 2005.

2 Danescroft Gardens

W07544D/06 - Demolition of existing house and infill between Nos. 2 & 3. Construction of a new two-storey 7 bedroom house, with rooms in the roofspace and basement. Provision of integral garage. Registered 28th April 2006

- **WITHDRAWN** 22nd August 2006.

W07544G/07 - Demolition of existing house and infill between Nos. 2 & 3 and construction of a new 2 storey 7 bedroom house, with rooms in the roofspace and basement with parking on front forecourt. Registered 9th January 2007
- **CONDITIONAL APPROVAL** 5th March 2007.

3 Danescroft Gardens

W07544E/06 - Demolition of existing side and rear extensions. Erection of single storey side extension. Part two, part three-storey rear extension. Conversion of garage to habitable room. Alterations to roof including side dormer window and rear hip to gable to facilitate a loft conversion. New front entrance canopy. New front boundary fence. Registered 6th July 2006

- **REFUSED** 14th September 2006.

W07544F/06 - Part two, part three-storey rear extension. Single storey side extension. Part covered walkway on ground floor side elevation. Alterations to roof including side dormer window to facilitate a loft conversion. New front entrance canopy. New front boundary fence. Registered 20th November 2006

- **WITHDRAWN** 15th January 2007.

W07544H/07 - Part two, part three-storey rear extension. Single storey side extension. Part covered walkway on ground floor side elevation. Alterations to roof including side dormer window to facilitate a loft conversion. Registered 2nd July 2007

- **WITHDRAWN** 13th September 2007.

H/00972/08 - Lower ground floor extension, ground floor and first floor rear extensions. Single storey side extension incorporating part covered walkway on ground floor side elevation. Alterations to roof including side dormer window and velux roof lights to facilitate a loft conversion. Registered 15th May 2008

- **CONDITIONAL APPROVAL** 10th July 2008.

H/04472/08 - Lower ground floor extension, ground floor and first floor rear extensions. Single storey side extension incorporating part covered walkway on ground floor side elevation. alterations to roof including side dormer window and velux roof lights to facilitate a loft conversion. Registered 24th November 2008

- deemed **UNLAWFUL** 19th January 2009.

H/04540/08 - Installation of a new balcony overlooking the rear garden at ground floor level. Registered 28th November 2008

- **WITHDRAWN** 22nd January 2009.

H/01840/09 - Lower ground floor extension and ground floor extensions to rear and both sides, incorporating part covered walkway on ground floor side and front elevations. First floor rear, front and side extensions. Alterations to roof including side dormer window and roof lights to facilitate a loft conversion. Registered 27th May 2009

- **CONDITIONAL APPROVAL** on the 23rd July 2009.

It should be noted that concerns about tree(s) were included in reasons for refusal and tree protection conditions imposed on the conditional approvals.

PLANNING APPRAISAL

1. Introduction

This application has been submitted by Dobbin and Sullivan acting as agent on behalf of the owner of 3 Danescroft Gardens. It was received and registered on the 21st August 2015 in respect of "1 x Pine - Fell. Standing in Woodland W9 of Tree Preservation Order."

The relevant Borough of Hendon Tree Preservation Order was made on the 4th October 1955 and confirmed by the Minister of Housing and Local Government subject to

modifications not affecting this Pine tree on the 11th July 1957. The Pine tree subject of this application stands within the boundary of Woodland W9 of the Tree Preservation Order - Woodland W9 is described as “*mixed conifers and deciduous trees consisting mainly of pine, oak and elm.*” The Building Regulations application for the development of the Danescroft Gardens cul-de-sac of 15 houses was approved in 1957.

2. Appraisal

Tree and Amenity Value

The subject Pine stands in the front garden of 3 Danescroft Gardens adjacent to the front boundary and close to the flank boundary between 3 and 4 Danescroft Gardens. The front garden is almost entirely covered with hard surfacing, with paving and a low boundary wall directly abutting the base of the Pine trunk.

The mature Pine is 16 - 18 metres in height and has a trunk diameter of 75cm (measured at 1.5 metres above ground level). The tree has a historic lean towards the east. The tree has had some previous minor lifting treatment and some of the lower lateral branches have been shortened. The tree has a slightly unbalanced lower crown, but overall its crown shape is typical of the species. Its physiological condition appears reasonable with dense foliage of mostly good colour showing throughout the crown. There is a small amount of browning foliage apparent and some minor deadwood is visible. There appears to have been no deterioration in the condition of the tree since it was inspected in February 2007, February 2008, December 2012 and April 2013 in connection with previous treework applications.

Prior to the construction of the residential properties the land was part of a woodland within Brent Park. The tree is very clearly visible and prominent from along Danescroft Gardens and is one of the most visually impressive trees within the surrounding area. It contributes significantly to the character and appearance of the roadway, helping to soften the urban form of the closely spaced detached dwellings in Danescroft Gardens and as a remnant of the parkland heritage. Being evergreen, the Pine provides year-round visual amenity.

The application

The reason given in section 7 of the submitted application form for the proposed removal of this tree is “*Due to its increasing adverse impact on nearby structures and increasing threat of more significant and dangerous damage.*”

The agent has submitted the following documents in support of the application:

- 1) A letter dated 18th August 2015 by Dobbin and Sullivan Chartered Surveyors, the contents of which can be summarised as:
 - An application was made under reference TPO/00102/13H in February 2013 to reduce the size of the tree, an application that was approved. This followed an application to fell made under reference TPO/00633/12/H, which was refused.
 - In the intervening period the damage caused by the tree has increased, hence the reason a further application to fell is being made.
 - We have considered the comments made in the Committee Report relating to the previous application to fell and commissioned specialist reports from an arboriculturalist and chartered building surveyor to support this application – the letter then discusses the contents of those reports.

2) An Arboricultural Report dated 23 April 2015 by Simon Pryce of Simon Pryce Arboriculture which concludes:

- The tree is a Monterey pine, an exceptionally fast growing Californian species. Its exact age is difficult to assess, but it is clearly younger than its size might suggest and would have been planted after the house was built. It is capable of growing considerably larger than it is at present.
- It almost certainly post-dates the TPO but, in an area defined as woodland, so is protected
- There are no signs or reports of subsidence in the house, but there is potential for it, given the tree's growth potential and the presence of London clay.
- The damage to the paving and wall has been caused by direct pressure from major roots. The damage could be repaired with materials more resistant to movement, but the tree's growth potential is too great for that to be reliable.
- The permitted pruning would increase clearance from the roof and reduce the quantity of needles, but the tree's growth rate is such that it would be an ongoing and increasing problem.
- It has not produced many cones so far, but they are large, woody and produced in clusters, so they can cause significant damage when shed.
- The tree creates an oppressive effect that could be alleviated slightly by pruning, but which will still increase as it grows.
- The tree provides some public amenity, but that is localised and the current and future problems outweigh any benefit from keeping it. Most of the problems are due to its growth rate and particular characteristics and a suitable replacement would make a comparable contribution to the area without the problems being caused by the pine.
- A new tree would be automatically protected by the woodland TPO and an individual order could be made if the council wish.

3) A survey report by P J Seeley Associates Chartered Surveyors dated 10th July 2015. This report concludes and recommends:

- In general there is [sic] no visible evidence of CURRENT serious structural or foundation related damage related to the subject tree applicable to the front of the three houses [2, 3 and 4 Danescroft Gardens] although there is some limited stress cracking and misalignments.
- There is extensive damage to some of the roof areas and extensive areas of pavings and walls.
- I do however expect that due to the close proximity and size of the tree that it is only a matter of time before tree root related foundation subsidence movement occurs to the [sic] one or more of the three properties.
- The tree is also leaning quite alarmingly towards the front of no 3 and less so towards No 2 and I have serious concerns about the risk of the tree falling over in severe wind conditions particularly if from direction to assist the angle of misalignment.
- I would consider that due to the size and location of the tree that the failure of the tree could lead to possible loss of life or limb notwithstanding of course to extensive property damage.
- I would recommend that the subject tree be removed (in accordance with tree expert advice how to do so) to reduce the risk to buildings and persons.

- In relation to its amenity value a replacement tree of more suitable type and growth pattern could be provided if this is considered necessary.

The Arboricultural Solutions Arboricultural Report, submitted with the two most recent previous applications to treat this tree (references TPO/00633/12/H and TPO/00102/13/H), identified the tree as a Corsican Pine.

However, Simon Pryce's Arboricultural Report submitted with this current application has identified the tree as a Monterey Pine - which appears to be correct (the tree is a 'three-needle Pine'). He has stated that Monterey Pine trees have an "*exceptionally high growth rate*" and estimated that the tree is younger than the construction of properties in Danescroft Gardens and the Tree Preservation Order, although accepting that the tree is still protected by the Woodland Tree Preservation Order. Simon Pryce has further stated: "*the tree is capable of growing considerably larger than it is at present within a relatively short time. In older trees height growth slows, but the crowns spread, becoming much wider in proportion and the trunk continues to increase in diameter. It is not unusual for older trees to reach heights of well over 20m with radial spreads of 10m or more and trunk diameters of 1.5-2m.*"

Simon Pryce has acknowledged that the Pine tree is mature but that its exact age is difficult to assess. He has confirmed that in older trees the height growth slows and the tree becomes much wider. My own measurements (taken in connection with previous applications and using the same equipment), indicate it has grown by a maximum of 2-3 metres in height since February 2007, but that the rate at which its height is increasing has slowed, there being no appreciable difference since 2012. It has, however, become noticeably "wider." It would be possible to determine the exact age of the tree by taking a core sample and counting the growth rings. However, this is not necessary as there is no dispute that this tree is included within the Tree Preservation Order.

It is clear from the Tree Preservation Order that Pine trees were present within Brent Park prior to the construction of Danescroft Gardens - the first schedule of the Order states that the woodland Order (W9) includes "Mixed conifers and deciduous trees consisting mainly of Pine, Oak and Elm." Monterey Pine was introduced to Britain in the 19th century.

Although advising that there is potential for the tree to cause subsidence (based on visual inspection and in the absence of excavation or detailed investigations), both Simon Pryce and P J Seeley have stated in their reports that they are unaware of any current subsidence damage attributable to the subject Pine.

Both Simon Pryce's and P J Seeley's reports provide details of damage to the dwarf wall at the front of the property, paving within the front garden of the property and paving outside the property (3 Danescroft Gardens). It appears that the existing driveway and front boundary wall of 3 Danescroft Gardens have not been constructed with sufficient regard for the proximity and future growth of this tree. There is much less lifting and distortion of the Public Highway than the hard surfacing at 3 Danescroft Gardens.

In his report Mr Pryce provides details of how this damage could be repaired: "*It would be necessary to dispense with the section of wall next to the tree's trunk and allow space for further growth. The paving could be relaid and there are surfaces, such as resin bonded gravel or block paving on sand, that would accommodate root growth better than concrete*"

slabs, but the tree's growth potential is such that any surface would suffer some distortion and need repairing from time to time. Given this tree's growth potential the damage could become much more severe, even with materials that would accommodate movement and pavement would be affected far more severely than at present."

The Council's Greenspaces Arboricultural Officer declined to support the application to fell the Pine as in his view "the tree is of high amenity and the repairs to the surfacing can easily be repaired with temporary solutions at low cost or alternatively a full resurfacing of the surrounding area could be carried out with a flexible material", adding "Whilst the damage is unpleasant it appears not to have been repaired over time, the existing materials are weathers and not suitable for their purpose. The tree itself is healthy and has no major defects to note so it could not be removed on this basis or any claims about its health would easily be dismissed..... damage is likely due to the driveway being constructed with loose paviors and was not constructed properly with a sub-base sufficient to restrict surface root growth.....The driveway could be repaired with porous self binding materials or a flexible material like flexipave. Paving slabs are an unsuitable material to have around bases of trees."

It would not be reasonable to allow the removal of a healthy tree included in an Order purely because a homeowner did not want to undertake any maintenance of a driveway or wall in close proximity to that tree.

In the PJ Seeley's report it is also noted that the property of 3 Danescroft Gardens has "cracked glazing and warped opening sashes to bay window of front reception which is closest to the subject tree...Stress cracking to partition wall to side wall of the reception room near corninging line and also vertical hairline cracking above door opening. The area is again is [sic] closest to the subject tree." The author of the Seeley report speculates that these are due to "underlying tree roots and/or the effects of the same." Again this speculation appears to be based purely on a visual inspection and the Council has not been made aware of any investigations to determine the exact cause of the damage noted in the Seeley report.

The Seeley report also notes the following damage to the roofs of 2, 3 and 4 Danescroft Gardens:

- The flat roof to the front lower area of 2 and 3 Danescroft Gardens is in poor order and water penetration was noted. The roof has a "heavy covering" of Pine needles – which "could allow outlets to become blocked."
- The roof tiles at the front of 3 Danescroft Gardens are being damaged by direct contact with the branches of the tree.
- The guttering of 3 and 4 Danescroft Gardens could be affected by Pine needles dropped by the subject tree.
- The flat roof covering at 4 Danescroft Gardens has been recently replaced. The owners state it was in poor condition and "implicated blocked outlets" The property has suffered some damage from water penetration.

It is considered that the clearance of fallen foliage from guttering and to prevent the blockage of outlets should form part of normal householder maintenance and it would not be reasonable to allow the removal of a healthy tree included in an Order purely because its foliage had fallen into a gutter/blocked outlets. It may be noted that there are guards available which fit around guttering and restrict fallen foliage from getting into the guttering/outlets.

Consent was granted in 2013 (see TPO/00102/13/H), allowing pruning of the Pine to provide clearance from the property of 3 Danescroft Gardens and prevent friction damage - such pruning would restrict the spread of the canopy. However, the consented works do not appear to have been implemented. It would not be reasonable to allow the removal of a healthy tree included in an Order purely because the owner did not want to undertake maintenance of the tree (for which consent has been granted).

Although both of the Chartered Surveyors have raised concerns that the tree has a trunk lean and may fall into the adjacent properties, Mr Pryce has noted in his arboricultural report that: *“there are no obvious signs of recent movement in the ground, although the bare earth and fractured masonry at the base would not necessarily show that”* and the recommendations in his report are not based on any concern over the condition of the tree. Inspection has found that the trunk lean is of historic origin and there is nothing to suggest that this represents an unacceptable risk in relation to the adjacent property. It should be noted that healthy many trees have trunk leans and it would not be reasonable to allow the removal of a healthy tree included in an Order because it had a historic trunk lean or because it was in falling distance of a property – allowing the removal of tree for such a reason would have serious implications for the future of tree preservation / management in the Borough.

In section 7 of the submitted application form it is stated that “my client would be prepared to plant a smaller type of tree, such as Japanese Maple. Alternatively a larger replacement, such as Scots Pine, could be planted in number 2 [Danescroft Gardens].”

Given the reasons put forward for this application, any replacement tree would be of smaller stature both at planting and (if allowed to develop) ultimately. The Japanese Maple suggested by the agent is considerably smaller in size and habit as the subject Pine, it also has a shorter lifespan.

For the replacement planting to have any long term potential and contribution to public amenity, the repair/replacement of the existing driveway and boundary wall would need to take account of the future growth of the replacement tree and therefore constructed using appropriate techniques.

It would not be possible to impose a condition requiring the planting of a replacement tree on the neighbouring property.

It is not considered that the removal of the Pine tree is necessary to enable to repair/replacement of the driveway and front boundary wall at 3 Danescroft Gardens. It should be noted that the replacement of the driveway and front boundary wall was included as part of the proposals for a number of the most recent planning applications for 43

redevelopment at numbers 2 and 3 Danescroft Gardens (see above). The Pine tree subject of this application is detailed to be retained during these redevelopment proposals.

3. Legislative background

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

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

This application is being referred to Members for decision because one of the exceptions to the Delegated Powers of the Service Director of Planning and Development Management is "where she / he considers that an application should be refused where such a decision will result in the Council being made liable for payment of compensation".

In this case the reason given in section 7 of the submitted application form for the proposed removal of this tree is "Due to its increasing adverse impact on nearby structures and increasing threat of more significant and dangerous damage." No indication has been provided regarding the likely cost of any repairs.

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

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation.

The compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment.

If it is concluded that the damage was attributable to other causes, it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell.

However, if it is concluded on the balance of probabilities that the Pine tree is the 'effective and substantial' cause of the damage or alternatively whether it 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability.

COMMENTS ON THE GROUNDS OF OBJECTION Included in body of report.

EQUALITIES AND DIVERSITY ISSUES

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

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

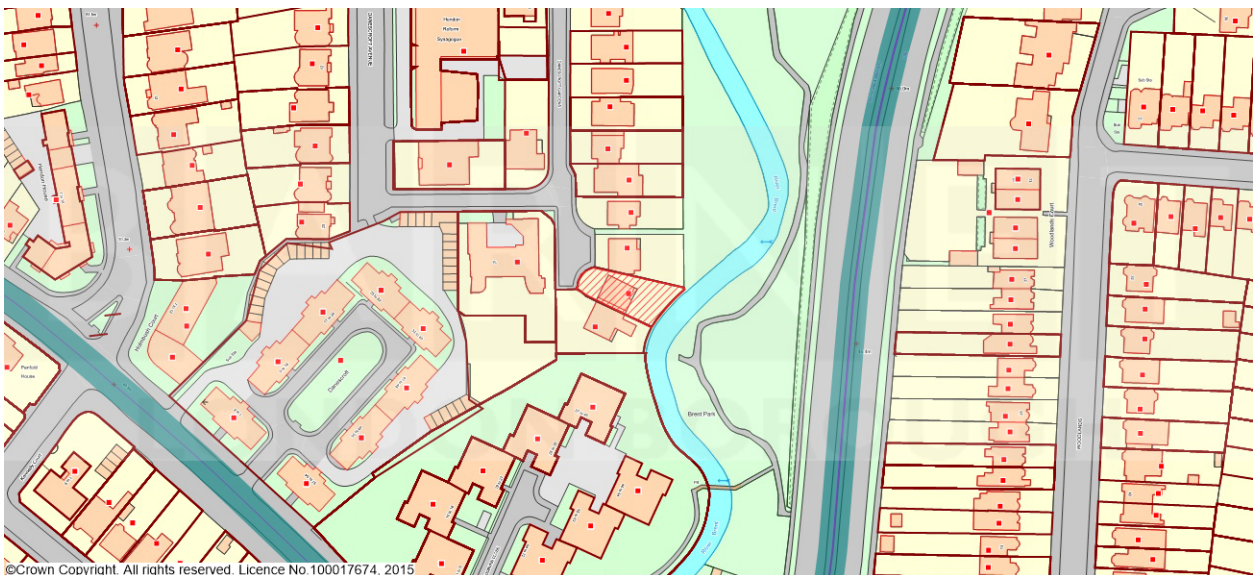
CONCLUSION

It is proposed to fell a Pine tree standing within the front garden of 3 Danescroft Gardens adjacent to the roadway. The reason for the proposed felling of this tree is *“Due to its increasing adverse impact on nearby structures and increasing threat of more significant and dangerous damage.”*

A letter dated 18th August 2015 by Dobbin and Sullivan Chartered Surveyors, an Arboricultural Report dated 23 April 2015 by Simon Pryce of Simon Pryce Arboriculture and A report by Seeleys Chartered Surveyors dated 10th July 2015 have been submitted in support of this application.

The tree is considered to be of public amenity value and its loss would be of significant detriment to the character and appearance of Danescroft Gardens.

The decision is referred to Members in accordance with the Council's Delegated Powers exception provisions.



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Location **122 Hale Lane London NW7 3SE**

Reference: **15/05335/FUL**

Received: 24th August 2015

Accepted: 24th August 2015

Ward: Hale

Expiry 19th October 2015

Applicant: Mr Alan David

Proposal: Demolition of existing house and construction of a new two storey building with rooms in the roof space and excavation of a basement level to form 4 self-contained flats

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. HALLN-E001, HALLN-E002, HALLN-E003, HALLN-E004, HALLN-P001, HALLN-L201, HALLN-P003, HALLN-P200 Rev A, HALLN-L000, HALLN-L001, HALLN-S201 Rev B, HALLN-E202 Rev B, HALLN-E205, HALLN-L201 Rev B, HALLN-P201 Rev B, HALLN-P202 Rev B HALLN-P203 Rev B, HALLN-P204 Rev B, HALLN-S001, HALLN-P004, HALLN-P002, HALLN-D202, HALLN-E201, HALLN-E203 Rev B and HALLN-E204 Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 4 a) Notwithstanding the materials shown on the approved plans, no development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 5 a) No development or site works shall take place on site 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 6 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing No. 120 and 124 Hale 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such 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 Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations facing 120 and 124 Hale Lane.

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

- 11 The property shall be used as self-contained units as shown in 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.

- 12 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to meet and achieve all the relevant criteria of 'The Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2015) and policy DM02 of the Barnet Development Management Policies document (2012).

- 13 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 litres per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 14 "Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when

compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015)."

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £25785.00 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 £6685.00 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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 CIL 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.

Relief or Exemption from CIL:

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

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: 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

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

Officer's Assessment

1. Site Description

The application site relates to a detached dwellinghouse, located on the northern side of Hale Lane, located within close proximity to the Hale Lane Local Shopping Frontage to the west. This part of Hale Lane is made up predominantly of residential units, including purpose built flatted developments. The site is not located within a Conservation Area and the host property is not a Listed Building.

2. Site History

Reference: 15/00850/FUL

Address: 122 Hale Lane, London, NW7 3SE

Decision: Approved subject to conditions

Decision Date: 9 June 2015

Description: Demolition of existing house and construction of a new two storey building with rooms in the roof space to form 4 self-contained flats

3. Proposal

This application proposes the construction of a two storey building with accommodation in the roofspace and at basement level, containing 4 self-contained flats. The proposed main dwelling is proposed to measure approximately 10.1 metres in depth, with a 1.2 metre front projecting gable, a 3 metre deep two storey rear projection and a single storey rear projection that would project 4 metres beyond the rear of No. 120 Hale Lane, it would then extend across the rear of the property 3.3 metres where it would then project out a further 1.2 metres in depth and extend across a further 6.7 metres. The building would have a maximum width of 9.1 metres at two storey level and a maximum width of 9.9 metres at ground floor level with a single storey side projection on the side facing No. 120 Hale Lane. The building would have a height of 5.5 metres to the eaves level and a maximum height of 8.8 metres to the top of a pitched roof. The single storey rear and side projection elements would have a flat roof height of 3.3 metres and the two storey rear extension element would have a hipped roof of a maximum height of 8.2 metres. The proposed basement would have a maximum depth of 10.2 metres, projecting 3.5 metres beyond the rear wall of the ground floor rear projection. The ground floor element of the extension building would adjoin the common boundary with No. 120 Hale Lane and would be set away from the boundary with No. 124 Hale Lane by a minimum of 1 metre. The first floor elements of the proposal would be set away from either neighbouring boundary by a minimum of 1.8 metres. The basement would be set away 0.2 metres from the common boundary with No. 120 Hale Lane and would be set away from the common boundary with No. 124 Hale Lane by 1 metre.

4. Public Consultation

Consultation letters were sent to 61 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Negative impact on parking
- Negative impact on flooding.
- Negative impact on light
- Negative impact on privacy

- Negative impact on pollution.
- Negative impact on wildlife.
- Noise and disturbance arising from construction.
- Issues regarding foundations.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

It is noted that this application follows a previously approved application for a similar scheme as part of application 15/00850/FUL, dated 09/06/2015 for the demolition of existing house and construction of a new two storey building with rooms in the roof space to form 4 self-contained flats.

The proposed self-contained flats would comprise the following internal floorspace:

- 1 bed, 2 person unit of 50m²
- 1 bed, 2 person unit of 108m²
- 1 bed, 2 person unit of 50m²
- 2 bed, 3 person unit of 66.5m²

Each flat would meet the relevant minimum internal space standard requirement of either 50m² for a 1 bedroom, 2 person unit or 61m² for a 2 bedroom, 3 person unit.

The changes as part of this application include the introduction of a basement level, extended the internal floor space for the ground floor bedroom flat to the rear. No other external elements to the main building are being altered from the previous scheme. The proposed basement would not be visible when viewed from the street and would be located mainly under the proposed building. In addition, the proposal would not result in an increase in the amount of units on the site and would not result in an increase in the amount of bedrooms. Given that the proposed rooms in the basement would be for a play room and study for the occupants of the ground floor 1 bedroom flat to the rear and would not be bedrooms or main habitable living room space, it is not considered that the lack of outlook from these rooms would result in a poor and substandard form of accommodation to the occupiers of the unit as reasonable outlook would be afforded from the bedroom and living room above on the ground floor.

As part of the assessment of the previously approved application it was noted that the proposal included hard surfacing to the front of the property for two parking spaces using the existing crossover.

The council's Development Management Policy DM17 states that development should provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

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

Given that the proposed development would provide sufficient parking in accordance with the policy and given that the property has a PTAL rating of 3, the property has adequate accessibility to public transport.

Furthermore, as the property would only be increasing overall by 2 additional bedrooms, it is not considered likely to generate a significantly greater impact on street parking pressures than the existing dwelling.

No objection is raised to the use of existing vehicular access and proposal retains a sufficient amount of landscaping to help soften the increase in hard surfacing to the front of the property. The provision of two off street parking spaces is sufficient for a site of this size and would meet the requirements of DM17 parking standards.

As the amount of units and bedrooms is not increasing as part of this application, in view of the above, the proposal is considered acceptable on highways grounds.

It was also considered as part of the previous assessment that the depth of the rear projections at ground and first floor level would comply with the Councils' Residential Design Guidance for a detached property. The single storey elements of the proposed building that extend beyond the rear elevations of both neighbouring properties would project no further than 4 metres in depth beyond the rear elevation of N. 124 Hale Lane and would project 5.2 metres beyond the rear of No. 120 Hale Lane. However, the extension at this depth would be set away 3.3 metres from the boundary at a height of 3.3 metres. The two storey rear projection element would project no further than 3 metres beyond the rear elevation of No. 124 Hale Lane and would be set away by 2 metres. The two storey rear element would project 4.2 metres beyond the ground floor rear of No. 120 Hale Lane. However, this element of the extension would be set away from the common boundary with this property by 3.5 metres. As such, the proposed development is not considered to result in an overbearing impact or perceived sense of enclosure to either neighbouring occupier. In addition, given that the windows proposed in the side elevations of the building will be secured via condition to be obscure glazed and non-opening. Furthermore, the Council's Sustainable Design and Construction states that in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden. Given that the rear of the proposed building would be over 15 metres from the rear gardens along Sunbury Gardens and would be over 30 metres away from directly facing rear windows along Sunbury Gardens, it is not considered that the proposal would result in loss of light, overlooking or loss of privacy to any neighbouring occupier.

The introduction of a basement element, given its location at lower ground level, is not considered to result in overlooking or loss of privacy to any neighbouring occupier.

The property subject of this application is not located within a flood risk zone. In addition, the Environment Agency states that the location of the host site is in an area that has a very low chance of flooding from surface water, with very low meaning that each year, this area has a chance of flooding of less than 1 in 1000 (0.1%). This is the lowest possible category. As such the proposal is not considered to result in an increase in risk of flooding within the area.

5.4 Response to Public Consultation

Mainly addressed in appraisal above.

Given that the occupants of the proposed unit would be using an existing crossover, it is not considered that the proposal would result in an increase to highway safety over and above what currently exists on site.

Noise and disturbance from construction works and structural issues arising from the development are not a material planning consideration.

The site is not designated as an area of wildlife conservation. As such, the demolition and rebuild on the site is not considered to result in a loss of wildlife.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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