

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 10TH MARCH, 2016

AT 7.00 PM

VENUE

**COMMITTEE ROOMS 1 AND 2, HENDON TOWN HALL, THE BURROUGHS, LONDON
NW4 4BQ**

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

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor John Marshall MA (Hons)

| | | |
|------------------------|---------------------------------|-------------------------|
| Councillor Jack Cohen | Councillor Arjun Mittra | Councillor Melvin Cohen |
| Councillor Jim Tierney | Councillor Alan Schneiderman | |

Substitute Members

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

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

Andrew Charlwood – Head of Governance

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is **Monday 7th March 2016** at 10AM.

Governance Service contact: Ola Dejo-Ojomo, ola.dejo-ojomo@barnet.gov.uk, 020 8359 6326

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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| 1. | Minutes of last meeting | 1 - 10 |
| 2. | Absence of Members | |
| 3. | Declaration of Members' disclosable pecuniary interests and non pecuniary interests | |
| 4. | Report of the Monitoring Officer | |
| 5. | Public Comments and Questions | |
| 6. | Members' Items | |
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| | West Finchley Ward | |
| 14. | Fursby House, 146B And 146C Nether Street, London N3 1PG - 15/07602/FUL | 115 - 128 |
| | Woodhouse Ward | |
| 15. | 706 High Road, London N12 9QL - 15/06414/FUL | 129 - 158 |
| 16. | Any item(s) the Chairman decides are urgent | |

FACILITIES FOR PEOPLE WITH DISABILITIES

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Decisions of the Finchley and Golders Green Area Planning Committee

4 February 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Jack Cohen
Councillor Arjun Mittra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Jim Tierney

1. MINUTES OF LAST MEETING

The minutes of the meeting held on 21 January 2016 were agreed and signed as a correct record.

2. ABSENCE OF MEMBERS

None.

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

Councillor Melvin Cohen declared a non-pecuniary interest in item 8, 124 Friern Park London N12 9LN – 15/06884/FUL, as he knew the applicant as a passing acquaintance. He remained in the room during the consideration of this item and participated in the decision.

Councillor John Marshall declared a non-pecuniary interest in item 16, 8 Alberon Gardens London NW11 0AG – 15/06652/HSE, as he knew one of the people speaking against the application very well. He did not remain in the room during the consideration of this item or participate in the decision.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC COMMENTS AND QUESTIONS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. ADDENDUM (IF ANY)

The Committee's attention was drawn to the addendum to the report.

8. 11 MIDDLETON ROAD LONDON NW11 7NR - 15/06090/HSE

The Planning Officer presented the application.

Having considered the application and heard oral representations from Dr Laura Cullen and Mr Adam Quint, and having heard from Mr Derek Owusu-Afriyie on behalf of the applicant, the Committee:

RESOLVED to approve the application as set out in the Officer's report.

Having been put to the vote, the following was recorded:

For – 2

Against – 0

Abstain – 5

9. 75 TORRINGTON PARK, LONDON, N12 9PN - 15/06707/FUL

The Planning Officer presented the report.

It was proposed that the application be deferred to allow the applicant to submit a daylight and sunlight report to address the potential impact on the front garden of the adjoining property.

For: 3

Against: 3

Abstain - 1

The Chairman used her casting vote to vote against the proposal.

The motion was lost.

Having considered the application and heard oral representations from Ms Monica Shama, and from Mr John Chart on behalf of the applicant, the Committee:

RESOLVED to approve the application as per the officer's report and variations to the conditions as set out in the addendum plus the following additional condition:

"The development shall not be occupied until after the landscaping scheme has been implemented, as approved, in its entirety."

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

Having been put to the vote, the following was recorded:

For – 4

Against – 3

Abstain – 0

10. 124 FRIERN PARK LONDON, N12 9LN - 15/06884/FUL

The Officer presented the report.

Having considered the application and heard oral representations from G Bailey, Dylan Davis and from Martin Saluzzo on behalf of the applicant, the Committee

RESOLVED to REFUSE the application, which was a reversal of the officer recommendation.

Reasons:

“1. The proposed development, by reason of its size, siting, scale, bulk and design and the introduction of car parking within the rear garden, would constitute overdevelopment of the site, would fail to respect, and would detract from, the established character and appearance of the site property and the wider area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).”

“2.The proposed development, by reason of the location of the proposed car parking area and access thereto, would result in the introduction of car movements and associated noise and disturbance into the rear garden area, which would be detrimental to the residential amenity of neighbouring occupiers contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2013) and Adopted Sustainable Design and Construction SPD (2013).”

The following amendments were made to the informatives:

Add new informative:

The plans accompanying the application are: Site Location Plan; 124FP-PP1-01 Rev B Existing Section and Site Plan & Proposed Site Plan; 124FP-PP1-02 Rev D; Proposed Floor Plans; 124FP-PP1-03 Rev C Proposed Floor Plans; 124FP-PP1-04 Rev A Proposed Elevations; 124FP-PP1-05 Rev D; Proposed Sections; Design and Access Statement

Amend informative 1 to refusal

Amend informative 3 to refusal (CIL)

Delete informatives 2 and 4.

Having been put to the vote, the following was recorded:

For – 4

Against – 1

Abstain – 2

11. CHANDOS LAWN TENNIS CLUB WELLGARTH ROAD, LONDON, NW11 7HP - 15/06847/S73

The Planning Officer presented the application.

Having considered the application and heard oral representations from Jonathan Schwarz, and having heard from Mr Gerry Cassidy on behalf of the applicant, the Committee:

RESOLVED to approve the application as per the officer's report and variations to the conditions as set out in the addendum plus the following additional condition:

"All new trees and landscaping along the boundary of the site with properties on the southern boundary with Chandos Way, as well as the boundaries with Reynolds Close and Waterloo Court shall be planted at least 3 months before first occupation of any of the flats.

Reason:

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

Having been put to the vote, the following was recorded:

For – 4

Against – 0

Abstain – 3

12. 49 HODFORD ROAD, LONDON, NW11 8NL - 15/07402/HSE

The Committee considered the application simultaneously with items 13 (49 Hodford Road, London, NW11 8NL - 15/07399/HSE) and 14 (49 Hodford Road, London, NW11 8NL - 15/07472/HSE).

The Officer presented the reports for all three applications.

The Committee considered oral representations from Kate Fawkes and Salma Karmi-Ayyoub, and from Max Wolman on behalf of the applicant.

In relation to the first floor side extension, the Committee was concerned that the extension would reduce the gap between properties and would itself, and also taken together with other extensions to the roof of the property, adversely affect the appearance of the property and the streetscene. This street is not characterised by such first floor side extensions and the Committee considered that the introduction of such an extension would reduce the evident gap between properties that is not characteristic in this particular location and would erode the spacious feel of this part of the street, detrimental to its character and appearance.

In relation to the two applications for rear extensions, taken cumulatively together with the existing extensions to the property and those under construction, the Committee considered the individual proposals would result in overdevelopment of the property. The resulting building would be considerably larger than others in the vicinity and the totality

of extensions would fail to respect the size of the original house, representing disproportionate additions.

Additionally, the extensions individually and when considered cumulatively together with existing extensions to the property, by reason of their size and siting would have an overbearing appearance when seen from the neighbouring properties. The Committee considered this would have a detrimental impact on the amenities of the occupiers of those properties.

Having considered the application and heard oral representations from Ms Fawkes, Ms Karmi-Ayyoub and Mr Wolman, the Committee

RESOLVED to REFUSE the application, which was a reversal of the officer recommendation.

Reason:

The proposals, by reason of the size, siting and design of the extension, would result in the reduction of spacing between properties resulting in a terracing effect that would be detrimental to the character and appearance of the property, the streetscene and general locality, contrary to policy DM01 of the Barnet Adopted Development Management Policies DPD (2012) and the Adopted SPD 'Residential Design Guidance' (2013).'

The following amendments were made to the informatives

Amend informative 1 to refusal

Add new informative: The plans accompanying the application are: Site location plan: 380 EX00

- Existing plans: 380 EX01, 380 EX02, 380 EX04, 380/S.06, 380 EX07, 380 EX08 and 380 EX09.

- Approved scheme under construction: 380 3PL01, 380 3PL02, 380 3PL03, 380 3PL05, 380/3PL.06 REV A, 380 3PL07 and 380/3PL.09.

- Proposed plans: 380 5PL02, 380 5PL03, 380 5PL05, 380 5PL06, 380 5PL07, and 380 5PL08.

Having been put to the vote, the following was recorded:

For – 0

Against – 4

Abstain – 3

13. 49 HODFORD ROAD, LONDON, NW11 8NL - 15/07399/HSE

The Committee considered the application simultaneously with items 12 (49 Hodford Road, London, NW11 8NL - 15/07402/HSE) and 14 (49 Hodford Road, London, NW11 8NL - 15/07472/HSE).

The Officer presented the reports for all three applications.

The Committee considered oral representations from Kate Fawkes and Salma Karmi-Ayyoub, and from Max Wolman on behalf of the applicant.

In relation to the first floor side extension, the Committee was concerned that the extension would reduce the gap between properties and would itself, and also taken

together with other extensions to the roof of the property, adversely affect the appearance of the property and the streetscene. This street is not characterised by such first floor side extensions and the Committee considered that the introduction of such an extension would reduce the evident gap between properties that is not characteristic in this particular location and would erode the spacious feel of this part of the street, detrimental to its character and appearance.

In relation to the two applications for rear extensions, taken cumulatively together with the existing extensions to the property and those under construction, the Committee considered the individual proposals would result in overdevelopment of the property. The resulting building would be considerably larger than others in the vicinity and the totality of extensions would fail to respect the size of the original house, representing disproportionate additions.

Additionally, the extensions individually and when considered cumulatively together with existing extensions to the property, by reason of their size and siting would have an overbearing appearance when seen from the neighbouring properties. The Committee considered this would have a detrimental impact on the amenities of the occupiers of those properties.

Having considered the application and heard oral representations from Ms Fawkes, Ms Karmi-Ayyoub and Mr Wolman, the Committee

RESOLVED to REFUSE the application, which was a reversal of the officer recommendation.

Reason:

The proposals, by reason of the size, siting, scale and design of the extensions, would represent an overdevelopment of the site, which would be detrimental to the character and appearance of the property, the streetscene and general locality and would be detrimental to the residential amenities of the occupiers of neighbouring properties by reason of overbearing appearance, contrary to policy DM01 of the Barnet Adopted Development Management Policies DPD (2012) and the Adopted SPD 'Residential Design Guidance' (2013).

The following amendments were made to the informatives

Amend informative 1 to refusal

Add new informative: The plans accompanying the application are: Site location plan: 380 EX00

- Existing plans: 380 EX01, 380 EX02, 380 EX04, 380/S.06, 380 EX07, 380 EX08 and 380 EX09.

- Approved scheme under construction: 380 3PL01, 380 3PL02, 380 3PL03, 380 3PL05, 380/3PL.06 REV A, 380 3PL07 and 380/3PL.09.

- Proposed plans: 380 5PL02, 380 5PL03, 380 5PL05, 380 5PL06, 380 5PL07, and 380 5PL08.

Having been put to the vote, the following was recorded:

For – 0

Against – 6

Abstain – 1

14. 49 HODFORD ROAD, LONDON, NW11 8NL - 15/07472/HSE

The Committee considered the application simultaneously with items 12 (49 Hodford Road, London, NW11 8NL - 15/07402/HSE) and 13 (49 Hodford Road, London, NW11 8NL - 15/07399/HSE).

The Officer presented the reports for all three applications.

The Committee considered oral representations from Kate Fawkes and Salma Karmi-Ayyoub, and from Max Wolman on behalf of the applicant.

In relation to the first floor side extension, the Committee was concerned that the extension would reduce the gap between properties and would itself, and also taken together with other extensions to the roof of the property, adversely affect the appearance of the property and the streetscene. This street is not characterised by such first floor side extensions and the Committee considered that the introduction of such an extension would reduce the evident gap between properties that is not characteristic in this particular location and would erode the spacious feel of this part of the street, detrimental to its character and appearance.

In relation to the two applications for rear extensions, taken cumulatively together with the existing extensions to the property and those under construction, the Committee considered the individual proposals would result in overdevelopment of the property. The resulting building would be considerably larger than others in the vicinity and the totality of extensions would fail to respect the size of the original house, representing disproportionate additions.

Additionally, the extensions individually and when considered cumulatively together with existing extensions to the property, by reason of their size and siting would have an overbearing appearance when seen from the neighbouring properties. The Committee considered this would have a detrimental impact on the amenities of the occupiers of those properties.

Having considered the application and heard oral representations from Ms Fawkes, Ms Karmi-Ayyoub and Mr Wolman, the Committee

RESOLVED to REFUSE the application, which was a reversal of the officer recommendation.

Reason:

The proposals, by reason of the size, siting, scale and design of the extensions, would represent an overdevelopment of the site, which would be detrimental to the character and appearance of the property, the streetscene and general locality and would be detrimental to the residential amenities of the occupiers of neighbouring properties by reason of overbearing appearance, contrary to policy DM01 of the Barnet Adopted Development Management Policies DPD (2012) and the Adopted SPD 'Residential Design Guidance' (2013).

The following amendments were made to the informatives

Amend informative 1 to refusal

Add new informative: The plans accompanying the application are: Site location plan: 380 EX00
- Existing plans: 380 EX01, 380 EX02, 380 EX04, 380/S.06, 380 EX07, 380 EX08 and 380 EX09.
- Approved scheme under construction: 380 3PL01, 380 3PL02, 380 3PL03, 380 3PL05, 380/3PL.06 REV A, 380 3PL07 and 380/3PL.09.
- Proposed plans: 380 5PL02, 380 5PL03, 380 5PL05, 380 5PL06, 380 5PL07, and 380 5PL08.

Having been put to the vote, the following was recorded:

For – 0

Against – 6

Abstain – 1

15. 8 ALBERON GARDENS LONDON NW11 0AG - 15/06652/HSE

The Planning Officer presented the application.

The Committee heard oral representations from Howard Goldring and Hanna Isaacson.

The Committee was concerned about the cumulative impacts on the character and appearance of the property, streetscene and wider area of the extensions proposed when taken into account with other extensions to the property. The extensions would represent disproportionate additions to the original building resulting in a scale of development out of keeping with neighbouring properties. The Committee considered that the level of development overall would detract from the established character and appearance of the application site and the neighbouring area.

Having considered the report and heard oral representations from Mr Goldring and Mrs Isaacson, the Committee:

RESOLVED to REFUSE the application, which was a reversal of the officer recommendation.

Reasons:

“The proposed development, by reason of the cumulative impact of existing and proposed extensions to the property would represent an overdevelopment of the site that would be detrimental to the character and appearance of the property, the streetscene and general locality, contrary to policy CS5 of the Barnet Adopted Core Strategy (2012) and policy DM01 of the Barnet Adopted Development Management Policies DPD (2012) and the Adopted SPD 'Residential Design Guidance' (2013).”

The following amendments were made to the informatives:

Amend informative 1 to refusal

Add new informative: The plans accompanying this application are: 8/10A and 8/100C.

Having been put to the vote, the following was recorded:

For – 0

Against – 1

Abstain – 5

16. 57 ST GEORGES ROAD LONDON, NW11 0LU - 15/06513/FUL

The Planning Officer presented the application.

The Committee:

RESOLVED to approve the application as set out in the Officer's report and the variation to condition 5 as set out in the addendum.

Having been put to the vote, the following was recorded:

For – 6

Against – 0

Abstain – 1

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

None.

The meeting finished at 9.13 pm

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Location 2 Templars Avenue London NW11 0PD

Reference: 15/07084/FUL

Received: 20th November 2015

Accepted: 24th November 2015

Ward: Childs Hill

Expiry 19th January 2016

Applicant: Mr Dmitry Ivanov

Proposal: Single storey side and rear extensions, alterations and extension to roof including new rear dormer window and 4no. rooflights to front roofslope, following removal of existing side dormer window. Associated internal alterations to create 1no. additional self-contained flat (to provide a total of 4no. self-contained flats). Provision of 1no. off-street parking space

AGENDA ITEM 8

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. 3. Highways (traffic order) £2,000.00
"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

4. Monitoring of the Agreement £100.00
"Contribution towards the Council's costs in monitoring the obligations of the agreement."

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

Site Location Plan; 2/10 Existing Plans and Elevations; 2/300F Proposed Plans and Elevations; 2/301 Section AA; Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies 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 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with 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).

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

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

6 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.

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

8 Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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).

9 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 6% 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).

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

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

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

11 a) Before the development hereby permitted is first occupied, details of the facilities for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason:

In the interests of promoting cycling as a mode of transport in accordance with policies CS9 and DM17 of the Barnet Local Plan and policy 6.13 of the London Plan.

12 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).

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10.05.2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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 and the Applicant engaged with this prior to the submissions of this application. 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 applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 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 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 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 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.

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

1. Site Description

The application property is a detached dwellinghouse located on the corner of Templars Avenue and Wentworth Road within the Childs Hill ward. The curtilage of the property splays in to give a triangular amenity area, which sits at a lower level to the house.

The area is characterised by two storey dwellinghouses, some of which have been converted into flatted accommodation, including the application property which was granted a Lawful Development Certificate in 2002.

The site is not located within a Conservation Area and has no individual designation.

2. Site History

Reference: 14/07204/FUL

Address: 2 Templars Avenue, London, NW11 0PD

Decision: Refused

Decision Date: 13 January 2015

Description: Demolition of existing building and erection of a new 3 storey building with rooms in roofspace and basement level to provide 7no. self contained flats, associated parking and refuse provisions

Reference: 15/03185/FUL

Address: 2 Templars Avenue, London, NW11 0PD

Decision: Refused

Decision Date: 17 July 2015

Description: Two storey side and rear extension, rear dormer with 4 no. rooflights to front to facilitate loft conversion, conversion from 3 no. self contained flats into 5 no. self contained flats, 1 no. new parking space

Reference: C12431B/02

Address: 2 Templars Avenue, London, NW11 0PD

Decision: Lawful

Decision Date: 20 August 2002

Description: Use as 3 No. self-contained flats.

3. Proposal

This application seeks consent for single storey side and rear extensions, alterations and extension to roof including new rear dormer window and 4no. rooflights to front roofslope, following removal of existing side dormer window. Associated internal alterations to create 1no. additional self-contained flat (to provide a total of 4no. self-contained flats). Provision of 1no. off-street parking space

4. Public Consultation

Consultation letters were sent to 113 neighbouring properties.

8 objections have been received

The views of objectors can be summarised as follows;

- Insufficient parking
- Bulk, height and design of proposals
- Dormers out of character
- Overdevelopment
- Front elevation has no entrance- turns Wentworth Road into entrance
- Loss of privacy
- Out of character
- Noise and disturbance
- Existing drawings inaccurate and misleading
- Property and garden has change in levels
- Extensions too close to Wentworth Road
- Concerns that roof of extension could be used as terrace
- Unacceptable alterations to windows
- Position of refuse bins unacceptable
- Impact on character of the road
- Loss of greenery
- Loss of light

Highways: No objection subject to a Section 106 Agreement or a Unilateral Undertaking to include a contribution of £ 2000 towards the necessary modifications to the traffic order which regulates the Controlled Parking Zone.

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 July 2011

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

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

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, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, 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

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

Extensions and alterations

Under this application it is proposed to extend the host application property. The extensions would take the form of single storey elements to the side and rear, as well as a roof extension including new rear dormer window. It is recognised that similar applications have been refused on site and this application seeks to address the concerns. The proposed extensions are much reduced from the earlier applications; which showed a two-storey development, providing more subordinate additions to the host property.

The proposed single storey side extension would measure 3.8m in length, 1.8m width at the front of the property, tapering down to 1.2m width to accommodate the site boundary, and with a proposed height of 2.5m with a crown roof. The proposed single storey rear extension would measure 2.7m in width, 1.7m in depth and have a height of 2.5m with a crown roof. These extensions are considered to be acceptable, they offer modest, subordinate additions to the site, which do not appear out of character and are therefore supported.

The proposed rear dormer window has been amended since the original submission; it now has a reduced size and bulk and is effectively half the size of the original submission. As amended the resultant dormer window is considered to be a subordinate addition to the dwelling and is supported.

The proposed extensions will not result in any demonstrable harmful to the amenities of neighbouring occupiers, given they are single storey additions and the site is located on a corner plot with only one neighbour at 4 Templars Avenue.

The proposed extensions are considered to be acceptable additions to the host residential property, and offer a scheme which is considered to be appropriate in the street scene. As such the proposed extensions are considered to be in character with the established vernacular.

Principle of self contained units

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

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

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

. "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

It is recognised that the existing dwelling house is already in lawful use as three self-contained units (application reference C12431B/02). It is therefore considered that the principle of flatted development is acceptable.

Living conditions of future occupiers

It is considered that the new units proposed within the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.

The existing development has three units, one at ground, another at first floor level and a third covering the second floor and attic space. The proposed ground floor extensions would facilitate the conversion of the existing ground floor unit into two self-contained flatted units and see the first and second floors becoming altered individual units.

At ground floor both units would be one bedroom, two person units. Flat one would have a floor area of 51sqm, and flat two would have a floor area of 53sqm, both meeting the minimum gross internal areas for a one bedroom, two person unit.

At first floor, unit three would provide a two bedroom, three person unit, which would have internal floor area of 66sqm, this meets the internal minimum gross internal floor area for a two bedroom, three person unit.

At second floor a one bedroom single occupancy unit would be provided, with a proposed floor area of 44sqm, meeting the minimum gross internal floor area for a single occupancy unit.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. It is proposed to utilise the existing rear garden which has an area of 83sqm as communal garden for all the units; this meets the requirements.

An appropriate area for the storage of recycling and refuse bins has been provided at the front of the site, and cycle storage is provided at the rear adjacent to the entrance to the communal garden. This is considered to be acceptable.

The proposed development offers one parking space for the four units. The Highways department raises no objection to the proposed development subject to Section 106 Agreement or a Unilateral Undertaking to include a contribution of £ 2000 towards the necessary modifications to the traffic order which regulates the Controlled Parking Zone.

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development as amended 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.

5.4 Response to Public Consultation

The concerns raised regarding insufficient parking are noted, however, the Highways department have raised no objection to the proposed development subject to Section 106 Agreement or a Unilateral Undertaking to include a contribution of £ 2000 towards the necessary modifications to the traffic order which regulates the Controlled Parking Zone.

Concerns about the bulk, height and design of proposals and that it is an overdevelopment of the site are noted, however, the scheme has been significantly reduced since previous applications and the amended scheme presented under this application is now considered to meet Design Guidance, offering subordinate additions to the application site.

The concerns raised that dormers out of character is disputed, as from the site visit a variety of dormer windows can be readily seen.

The concerns raised that the front elevation has no entrance, and the proposals turn Wentworth Road into the entrance is noted, however, there is already an entrance to the side of the property and therefore this scheme does not change this access.

The proposed development is not considered to result in any loss of privacy or light. There is only one neighbouring residential property and the siting of the proposed extensions will not give rise to any loss of privacy to these occupiers.

It is not considered that the additional unit will give rise to an unacceptable level of noise and disturbance beyond what is already experienced on site.

It is recognised that the property and garden has changes in levels; for all applications a site visit must be undertaken. This gives the planning case officer the opportunity to better assess the site, its surrounding area and neighbouring properties in order to make a better assessment of the proposals. In this way, if the plans are considered to be either inaccurate or misleading it will be identified on site,.

The concerns raised that the proposed extensions are too close to Wentworth Road are noted, this is due to the siting of the application property on the corner of Wentworth Road and Templars Avenue. The proposed side extension is considered to be acceptable and retains pedestrian access along the side of the property to access the rear amenity space.

The concerns raised that the roof of the proposed single storey extensions could be used as a terrace are noted, however, this is contrary to our policies and a condition is suggested removing this possibility.

The comments received that the proposed scheme results in unacceptable alterations to windows is noted, however, it is not considered that the alterations proposed to the windows are harmful to the host application property or the wider area.

The concerns that the position of refuse bins is unacceptable is noted, however the bins are sited away from the entrance and at a lower level to the main property due to the change in levels experienced across the site.

It is not considered that the additional unit at a property which is already converted into flats will detrimentally impact on the character of the road, which has other properties converted into flats too.

The concerns raised regarding the potential loss of greenery at the site is noted. Whilst there is some loss of greenery proposed on site, in particular the removal of the front hedge to accommodate vehicular parking, the amount of garden laid to lawn at the rear of the site meets the requirements for providing amenity space to a flattened development of this size.

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.



Location Church Walk House Church Walk London NW2 2TJ

Reference: 15/05969/FUL

Received: 24th September 2015

Accepted: 28th September 2015

Ward: Childs Hill

Expiry 28th December 2015

Applicant: Mr

Proposal: Demolition of existing building and construction of part two part three storey building with additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping

AGENDA ITEM 9

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution in Lieu of Affordable Housing - £470,513.00
4. Review Mechanism
5. Local Employment Agreement or Contribution in Lieu of a Local Employment Agreement - £37,380.00
6. Monitoring of the Agreement - £1,679.40

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

A2598 100 P10 Red Line Location Plan 1-1250@A3

A2598 101 P10 Block Plan 1-500@A3

A2598 110 P10 Existing Lower Ground Floor - Second Floor 1-200@A1

A2598 120 P10 Existing Site Sections AA, BB, CC and DD 1-200@A1
A2598 121 P10 Existing Site Sections EE, FF, and GG 1-200@A1
A2598 130 P10 Existing Site Elevations North, South, East and West 1-200@A1

A2598 199 P11 Proposed Lower Ground Floor 1-200@A1
A2598 200 P11 Proposed Ground Floor 1-200@A1
A2598 201 P11 Proposed First Floor 1-200@A1
A2598 202 P11 Proposed Second Floor 1-200@A1
A2598 203 P11 Proposed Third Floor 1-200@A1
A2598 204 P11 Proposed Roof 1-200@A1
A2598 300 P11 Proposed Site Sections AA, BB, CC and DD 1-200@A1
A2598 301 P11 Proposed Site Sections EE, FF, and GG 1-200@A1
A2598 400 P11 Proposed Site Elevations North and East 1-200@A1
A2598 401 P11 Proposed Site Elevations South and West 1-200@A1

Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies 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 2015.

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 2015.

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 3 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

6 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

7 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 Before the development hereby permitted commences, a scheme demonstrating ecological improvements to the site, including details of bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details and permanently maintained thereafter.

Reason: To ensure compliance with policy DM16 in terms of biodiversity.

9 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 (2015).

10 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. The Refuse collection arrangement must be provided as per the details submitted in the planning application located within 10 metres of public highway otherwise arrangement will need to be in place to bring the refuse bins to the back of the public highway on the days of collection.

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).

Before development commences other than for investigative work:

A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

12 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; 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).

13 Notwithstanding the details shown in the plans submitted and otherwise hereby approved prior to the first occupation of the dwellings hereby granted consent details of the security and crime prevention measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The information submitted in this respect shall include (but not be limited to) details in relation to:

The postal arrangements for communal entrances.

The measures to be used to prevent unauthorised access to the undercroft parking areas.

The means of enclosing the site.

The contribution that the landscaping of the site can make to security and crime prevention.

The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

14 a) Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 110 litres (including a fixed factor of water for outdoor use of 5 litres/ person/ day) of water is consumed per person per day. The development shall be maintained as such in perpetuity thereafter.

b) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The 3no. wheelchair accessible units shall achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (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.

c) 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 38% 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 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). To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012). 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).

15 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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 2015.

16 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).

17 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

18 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

19 All new trees and landscaping along the boundary of the site with properties on the southern boundary with Lyndale Avenue shall be planted at least 3 months before first occupation of any of the flats.

Reason:

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

20 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.

21 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

22 a) Before the development hereby permitted is first occupied, details of the subdivision 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).

23 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed 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), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 of Schedule 2 of that Order shall be carried out within the area of Church Walk House 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).

25 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.

26 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).

27 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.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

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

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

30 Before the development hereby permitted is occupied, car parking spaces shall be provided at basement level and at ground level in accordance with drawing Nos. A2598199 Rev P10 and A2598200 Rev P10 submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

31 Cycle parking spaces shall be provided in accordance with drawing No A2598200 Rev. P10 submitted with the planning application to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

32 Notwithstanding the plans submitted, before development commences details of the layout, gradient and design of the access ramp to the basement car parking area and vertical clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

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

33 Refuse collection arrangement must be provided as per the details submitted in the planning application located within 10 metres of public highway otherwise arrangement will need to be in place to bring the refuse bins to the back of the public highway on the days of collection.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

34 Before the development hereby permitted is occupied, details of external lighting shall be submitted to an approved in writing by the local planning authority, based on the lighting report submitted. The development shall be implemented in accordance with these details and permanently maintained thereafter.

Reason: To safeguard neighbouring amenity.

35 a) Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 110 litres (including a fixed factor of water for outdoor use of 5 litres/ person/ day) of water is consumed per person per day. The development shall be maintained as such in perpetuity thereafter.

b) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The 3no. wheelchair accessible units shall achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (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.

c) 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 40% 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 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). To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012). 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).

36 Notwithstanding the details shown in the plans submitted and otherwise hereby approved prior to the first occupation of the dwellings hereby granted consent details of the security and crime prevention measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The information submitted in this respect shall include (but not be limited to) details in relation to:

The postal arrangements for communal entrances.

The measures to be used to prevent unauthorised access to the undercroft parking areas.

The means of enclosing the site.

The contribution that the landscaping of the site can make to security and crime prevention.

The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

37 Prior to installation, details of the boilers shall be submitted in writing to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be implemented in accordance with these details.

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

38 The development hereby approved shall not commence until an updated surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason:

To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10/05/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The application does not make any provision towards affordable housing, contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

The application does not make provision for a Local Employment Agreement. This would be contrary to policy DM14 of the Adopted Barnet Development Management Policies 2012, and the Supplementary Planning Document on Skills, Enterprise, Employment and Training.

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 and the Applicant engaged with this prior to the submissions of this application. 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 £158,130.00 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 £609,930.00 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.

3 The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Development Regulatory Services, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Any provision of a new crossover or modification to the existing crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations, Crossover Team as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Development Regulatory Services, Crossover Team, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided for the refuse vehicle on the day of the collection. The development access needs to be designed and

constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

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

The gradient for the proposed ramp leading to the underground parking area should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks latest Edition.

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 7 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 8 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

- 9 The applicant is advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800hrs - 0900hrs and 1500hrs - 1600hrs. Careful consideration must also be given to the optimum routes for construction traffic and the Traffic and Development section should be consulted in this respect.
- 10 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 11 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;

- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 12 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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

- 13 The following additional reports accompany the planning application:

Air Quality Assessment, prepared by Aether;
 Daylight and Sunlight Assessment prepared by Brooke Vincent;
 Landscape Statement prepared by Fabrik (supplemented by 'Southern Boundary - Indicative Planting Strategy), including indicative landscaping drawings;
 Energy Efficiency & Sustainability Statement prepared by Meinhardt;
 Construction Management Plan (incorporating Site Waste Management Plan) prepared by Meinhardt;
 Drainage Strategy prepared by Meinhardt;
 Contaminated Land Study prepared by Soils Limited;
 Flood Risk Assessment prepared by Meinhardt;
 Transport Assessment prepared by i-Transport (supplemented by Transport Addendum dated 15th February 2016) ;
 Baseline Ecological Site Audit prepared by Betts Ecology;
 Bat Survey prepared by Betts Ecology;
 Arboricultural Report prepared by Landmark Trees;
 Environmental Noise Survey and Noise Impact Assessment prepared by Hann Tucker Associates;
 Statement of Community Involvement prepared by Four Communications;

Officer's Assessment

1. Site Description

The application site is 0.45 hectares in area and is accessed from Church Walk along the northern boundary. There are Tree Preservation Orders (TPOs) on the site.

There are no other planning restrictions on the site.

The site consists of two buildings:

Church Walk House is a part 1, part 2 and part 3 storey building, which was originally a Victorian vicarage and has been extended to either side.

John F Kennedy House comprises a 2 storey detached block.

The site was last used as a care home. The area is characterised by residential development although there is a vicarage to the north west.

The height of the land slopes away falling from North-East to South-West.

2. Site History

C01617B/05 - Two-storey link extension between Church Walk House and JF Kennedy House. - Approved - 18/10/2005

C01617C/06/TRE - Lime - Reduce Back Crown over No. 27 by 30% to Blend in with Remainder of Crown and Balance. G1 of of Tree Preservation Order - Approved - 11/04/2006

F/02299/13 - Demolition of existing building and erection of a 4 storey building including lower ground level to provide 53 self-contained units for extra care housing. Development includes restaurant, kitchen, Communal lounge, hair dresser, treatment room, assisted bathroom, scooter store and refuse space. Associated parking and storage - Withdrawn - 29/10/2013

F/05555/13 - Demolition of existing building and erection of a 3 storey building including lower ground level to provide 53 self-contained units for extra care housing. Development includes restaurant, kitchen, Communal lounge, hair dresser, treatment room, assisted bathroom, scooter store and refuse space. Associated parking and storage - Withdrawn - 22/09/2014

3. Proposal

The proposals are for the demolition of existing buildings and construction of part two part three storey building with additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping

The development would consist of a central block of flats, with two houses to either side. The building would manifest itself as two storey building with lower ground floor level, stepping up to a three storey apartment block with roof level.

The proposals feature private gardens for the houses to the rear, and communal garden centrally located to the rear of the apartments.

To the front of the site would be a landscaped area with car parking. Additional car parking would be provided at basement level.

4. Public Consultation

Consultation letters were sent to 385 neighbouring properties.

48 responses have been received, comprising 42 letters of objection, 5 letters of support and 1 letters of comment.

A site notice was displayed on 01/10/2015, and an advertisement placed in the local press.

The objections received can be summarised as follows:

Principle of Development

- Loss of the existing care home
- There is demand on local schools and this would increase as a result of the proposals
- Lack of affordable housing
- Existing building is local landmark and one of the oldest and most characteristic buildings in the area
- Local children use Church Walk on a daily basis as a safe route to nursery and school. It also provides children with a safe place to play. This is almost a unique characteristic of the area and must be preserved.

Amenity Issues

- Overlooking and loss of privacy
- Loss of light
- Noise and Disturbance
- Light Pollution
- Construction - 18 months or more of heavy construction causing disruption and noise
- Air quality assessment is an underestimate
- Although there is a 4m level change across the Church Walk House plot (source: Design & Access Statement, section 3.2), the proposed development is designed as a level building. The result is that while the proposed development is the same height as the homes at the upper end of Lyndale Avenue (as can be seen in cross section BB in the existing and proposed plans)

Character and Appearance Issues

- Over-Development
- Height of building
- Mass of building
- Church walk has unique environment and this would be spoiled
- Building will change the character of the area and overpower Church Walk and its surroundings by its scale
- No attempt to re-use features from existing building
- Retaining wall along Church Walk is very fragile

Trees

- Loss of mature trees
- Mature screening should be provided to the boundary

Highways Issues

- Parking/Highways Impact
- Development will result in increased volume of traffic which cannot be accommodated by the existing road .
- Over- crowding will be the result to such an extent that it will endanger pedestrians
- It is impossible to see round the corners, impact on nursery
- Emptying of dustbins would mean large obstacles cluttering the pavements
- Access for emergency vehicles and supply vehicles?
- Transport Statement is wholly inadequate
- We can find no discussion of the road safety implications for the children of the Jack and Jill Nursery in All Saints Church Hall and the children of the All Saints Church of England Primary School.
- Traffic impact ignores that the current site is vacant and generates no traffic.
- Traffic analysis uses a PTAL rating of 3/4, should be 3. 3/4 overestimates public transport usage and underestimates traffic

Ecology Issues

- Lack of Environmental or Ecology Reports
- Potential for bats on the site
- Bat & Swift Bricks / Boxes should be provided
- Presence of newts in vicinity of the site
- Biodiversity Gain should be secured
- Potential to improve habitats for wildlife
- Natural habitat for Long Tailed Tits, Great Tits, Blue Tits, Coal Tit, Robins, Dunnocks, Thrushes, Blackbirds ,Wrens and Goldfinches

Flood Risk

- Water/Flooding/Subsidence
- The sloping ground of heavy clay with under -ground streams represent a real problem
- Due to the down- wards slope our gardens at Lyndale Avenue has frequently been flooded during the winter months

Procedural Issues

- Description used by the applicant is misleading
- Previous planning application is irrelevant and should not be shown on the plans

Although no objection has been received to the current application, It should also be noted that the Victorian Society have objected to previous development on the site.

'Church Walk House is a 1850s former vicarage which contributes very positively to the area. Its use of lively polychrome brickwork, crested gables and gothic arched windows, and its general vertical proportions, combine to produce a striking, confident building with real presence in the street. Although the building has been extended unsympathetically, it appears to retain its key features. The north façade in particular is a very attractive entrance frontage with porch, and seems to be in good overall condition. The architect was Thomas Talbot Bury, who designed many churches and parsonages, and worked with A

W N Pugin on his designs for the Palace of Westminster. The church at the end of Church Walk was also to his design. The NPPF stresses the need for planning authorities to take account of “the desirability of sustaining and enhancing the value of heritage assets” (NPPF section 131) when deciding applications. Church Walk House clearly makes a positive aesthetic contribution to the street, has group value with the nearby church, and is by a noted architect; there is no doubt that it should be considered a heritage asset, and weight should thus be given to the desirability of its retention and enhancement in this application.’

The representations received in support of the scheme can be summarised as follows:

- No objection to the proposals
- Scheme is of acceptable design and fits within local architecture

Internal Consultations

Environmental Health – No objection

Green Spaces – No comments received.

Waste and Recycling - No comments received.

Highways Traffic and Safety – No objection. Comments are contained within the main report.

Highways Drainage – No objection.

Natural England – No Objection

Ward Councillors – Correspondence was received from Cllr Zinkin stating that *‘Local residents in Lyndale Avenue have made representations with which I would agree in relation to this application.’*

The key point raised is that although there is recognition that the development is much better than the previous application it is much closer than the existing building to their boundary. If the developer would agree to a green boundary of mature trees and a covenant to maintain that boundary is embedded in the management arrangements the whole development would be much more acceptable to local residents.’

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.

Policies 3.1, 3.4, 3.5, 3.8, 3.9, 5.2, 5.3, 5.11, 5.14, 5.15, 6.1, 6.12, 7.1, 7.2, 7.3, 7.4, 7.6, 7.14, 7.19, 7.21 are of specific relevance.

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, CS3, CS4, CS5, CS8, CS9, CS11, CS12, CS13, CS14, CS15

Core Strategy Policies

Policy CS1 The council, along with its partners, will focus major housing and economic growth in the most suitable locations and manage it to ensure that we deliver sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live work and visit. An appropriate level of transport provision will be provided as the regeneration schemes roll out. We will seek the highest standards of urban design in order to generate development proposals of landmark quality and create an accessible safe and attractive environment for people who live in, work in or visit Barnet's areas of housing and economic growth.

Policy CS3 On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26....Our strategic approach on further development opportunity sites will be set within the context of the density matrix in the London Plan. We will seek to optimise rather than simply maximise housing density to reflect local context, public transport accessibility and provision of social infrastructure.

Policy CS4 We will aim to create successful communities in Barnet by:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.*
- seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or*

local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.*
- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.*
- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.*

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

Policy CS8 The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement...requiring major developments to provide financial contributions and to deliver employment and training initiatives in consultation with the Skills Development and Employability Group

Policy CS9 We will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS11 We will improve health and well-being in Barnet....ensuring that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet, or its successor bodies, and the council's Adult Social Services

Policy CS12 We will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together

Policy CS13 We will seek to minimise Barnet's contribution to climate change and ensure that through the efficient use of natural resources the borough develops in a way which respects environmental limits and improves quality of life.

Policy CS14 We will encourage sustainable waste management...requiring developments to provide waste and recycling facilities which fit current and future collection practices and targets.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM08, DM16, DM17.

Policy DM01 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.

Policy DM03 Development proposals should meet the highest standards of accessible and inclusive design

Policy DM04 All major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy.

* Development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate.

* Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off.

Policy DM06 All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.

Policy DM07 Loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
- b. where need can be demonstrated and;
- c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies

Policy DM08 Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM16 When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity

Policy DM17 The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

Residential development may be acceptable:

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

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 (2013)

Affordable Housing SPD (2007)

Planning Obligations SPD (2013)

Delivering Skills Employment and Enterprise SPD (2015)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether the proposals make satisfactory provision for affordable housing
- 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.
- Whether harm would be caused to the living conditions of future residents.
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact on local drainage
- Whether the proposals would have an acceptable impact on local ecology
- Sustainability/ Environmental Issues
- Whether the proposals would have an acceptable impact on security in the local area
- Section 106 Issues and CiL

5.3 Assessment of proposals

5.3.1 Whether the principal of the development is acceptable

Land Use Issues

The proposals involve the loss of a former residential care home (C2 Use Class)

Policy DM07 relates to the loss of residential accommodation. This states that *'Loss of residential accommodation will not be permitted unless:*

** a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;*

** b. where need can be demonstrated and;*

** c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies or;*

** d. the location is no longer environmentally suitable and viable for residential use or;*

** e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.'*

It is therefore necessary for the applicant to demonstrate that there is no demand for the existing residential accommodation.

Policy DM09 relates to specialist housing.

The preamble to the policy states that *'Ensuring that the supply of specialist housing for older people meets their needs is the priority. The London Plan expects boroughs to "...undertake assessment of the short and longer term supported housing needs of vulnerable and disadvantaged groups..." The assessment's primary purpose is to ensure that sufficient supply is being provided to meet Barnet's older population's needs. The London Plan also supports "...close integration between planning and other borough*

strategies...” – the Core Strategy emphasises this approach. Patterns of care are changing and Barnet is prioritising increasing investment in community care to help people to remain in their own homes.’

Within the Core Strategy, paragraph 16.4.3 states that ‘Barnet has an oversupply of residential care homes. Our Joint Strategic Needs Assessment shows that while Barnet has been successful in reducing the rate of admission to residential care, the numbers of people living in this type of accommodation remains relatively high within our local authority comparator group. NHS Barnet and the council’s Adult Social Services have concerns about overprovision and the associated costs for non-local need. We will therefore encourage the remodelling of such facilities as other forms of provision for older people such as extra care housing. Extra care housing is seen as a viable alternative in many cases to residential care, allowing residents more independence whilst encouraging community and activities.’

This links to Core Strategy Policy CS11 regarding improving health and well-being in Barnet. This states that ‘we will improve health and well-being in Barnet by.....supporting the remodelling of residential care homes to other forms of special accommodation in order to widen housing choice, support healthy and independent lives and to reduce over supply ensuring that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet, or its successor bodies, and the council’s Adult Social Services’

As such, policies advise that there is an over-supply of residential care homes within Barnet.

However, it should be noted that London Plan Policy 3.16 which states that *The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.*

It is therefore necessary for the loss of the existing care facility as social infrastructure to be considered.

The Core Strategy (para 16.4.3) states that Barnet has an oversupply of care homes to the extent that these now provide for a non-local need. The Council’s Development Management Policies seek to encourage other forms of housing but do not specifically protect existing care homes (para. 10.2.3). Policy DM09 of the Adopted Development Management Policies does not specifically refer to care homes.

It is relevant to note that the existing site has been vacant since 2013. The Council’s evidence identifies a trend away from centralised models of care to care and assistance for individuals in their own homes. In particular, Paragraph 10.2.1 of the Development Management Policies 2012 acknowledges that: *‘National research reveals that the majority of older people would prefer to either remain living in their home, or would prefer accommodation which part of the ordinary housing stock, but is design to meet their needs. Therefore adapting the existing housing stock to extend the housing choice for older people will be encouraged particularly where it can release family sized accommodation. This will help to deliver mixed communities in lifetime neighbourhoods as identified in the Core Strategy’*

The proposed development meets an identified need for residential accommodation in the Borough and particularly for residential development that provides an element of family sized accommodation (Policy DM08). The loss of the existing accommodation, although a

consideration, is considered to be outweighed by the benefit of new residential accommodation.

Loss of the existing building

Paragraph 128 of the National Planning Policy Framework states that '*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*'

The applicant has considered the heritage value of the existing buildings on site within their planning statement.

As a matter of fact, the buildings on site are not designated heritage assets, they are not listed nor are they within a conservation area.

It is therefore necessary to consider whether they constitute a non-designated heritage asset.

Officers are of the view, that the building would not be considered to be a non-designated heritage asset given that the building has been significantly extended in an unsympathetic manner. The extensions appear dated, lack visual reference to the main building and use poor quality materials. Their presence detracts from the visual appearance of the original building.

JF Kennedy House is not of sufficient value to warrant designation as a heritage asset.

Paragraph 135 states that *[The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

In this way, the loss of the existing buildings on site is considered acceptable in planning terms subject to a suitable replacement development.

Housing Mix

Policy DM08 states that '*Our dwelling size priorities are:*

- i. For social rented housing – homes with 3 bedrooms are the highest priority*
- ii. For intermediate affordable housing – homes with 3/4 bedrooms are the highest priority*
- iii. For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'*

The proposals would consist

- 10 x 1 bed flats;
- 12 x 2 bed flats;
- 9 x 3 bed flats;
- 2 x 3 bed houses; and
- 2 x 4 bed houses.

The proposals seek to provide a good mixture of family sized homes to meet known demand within the borough, adding towards the borough's housing stock. This would be in compliance with the wider policy.

Density

It would appear that the site has an area of 0.45 hectares. The site is considered to be located in a suburban area and is located in an area of PTAL rating 3. The London Plan advises that development should be at 35-95 units/hectare. The proposals appear to be at 77 units/hectare.

In terms of habitable rooms the proposals would be at 255 habitable rooms/hectare. This is marginally above the London Plan guideline of 150-250 ha/hectare. However it is recognised that the site would fall somewhere between the definition of a suburban and urban site given the proximity to Childs Hill Local Centre and does not fall neatly into either category.

It is therefore considered that the development is at an appropriate density for the site.

5.3.2 Whether the proposals make satisfactory provision for affordable housing

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

London Plan policy 3.12 seeks to provide *'The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to:*

a current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 3.10 and 3.11 and having particular regard to the guidance provided by the Mayor through the London Housing Strategy, supplementary guidance and the London plan Annual Monitoring Report (see paragraph 3.68)

b affordable housing targets adopted inline with Policy 3.11,

c the need to encourage rather than restrain residential development (Policy 3.3),

d the need to promote mixed and balanced communities (Policy 3.9),

e the size and type of affordable housing needed in particular locations,

f the specific circumstances of individual sites,

g resources available to fund affordable housing, to maximise affordable housing output and the investment criteria set by the Mayor,

h the priority to be accorded to provision of affordable family housing in policies 3.8 and 3.11

'Affordable housing should normally be provided on-site. In exceptional cases where it can be demonstrated robustly that this is not appropriate in terms of the policies in this Plan, it may be provided off-site. A cash in lieu contribution should only be accepted where this would have demonstrable benefits in furthering the affordable housing and other policies in this Plan and should be ring-fenced and, if appropriate, pooled to secure additional affordable housing either on identified sites elsewhere or as part of an agreed programme for provision of affordable housing.'

The applicant has proposed a contribution of £470,513 in lieu of affordable housing as part of the proposals. This would represent a contribution of 1.5% of the housing provided by the scheme. This contribution was increased from an initial offer of £150,513 following discussion with Deloitte.

The applicant's viability statement in support of the planning application has been reviewed independently by Deloitte. They have concluded that in their opinion this represents the maximum amount that the scheme can currently viably provide as far as the provision of affordable housing is concerned on the basis of the scheme as proposed.

The Supplementary Planning Document on Affordable Housing states that *'In exceptional circumstances the council may consider the affordable housing requirement being provided on an alternative site or through the payment of a commuted sum in lieu of affordable housing provision. Exceptional circumstances, for example, could include a listed building where redesigning the scheme would result in poor design or loss of historical or architecturally important features.'*

It is noted that the developer proposes to make a contribution towards affordable housing. The limited amount would make it difficult to make provision on site, as this would be equivalent to approximately 1 unit.

It would be unlikely that a registered affordable housing provider would find it attractive to provide affordable housing on the site.

It is suggested that a review mechanism is included to ensure that the Local Planning Authority shares in any benefit from any uplift in land values.

It is considered that the proposed affordable housing provision would comply with Development Management policy DM10, London plan policy 3.12 and is acceptable in this case.

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

Layout

The proposals would involve a block of flats with houses to either side fronting Church Walk.

The development would be set a significant distance off the rear boundary of the site to allow for trees and soft landscaping to be retained; a distance of 13m at the closest point.

The proposals would make use of private rear garden amenity areas for houses and communal areas for the flats and basement car parking. There would also be parking and landscaping to the frontage.

A landscaping strategy accompanies this planning application, which is generally considered acceptable. However there is a need to provide a detailed planting scheme. This can be secured by a condition, but it is considered necessary that it includes mature tree screening to the rear boundary with properties on Lyndale Avenue. The applicant has agreed to provide this.

Scale and Massing

The proposals comprise the following elements:

- Two storey houses to either side
- Two storey houses with mansard roof
- Three storey apartment block with three smaller roof elements with gaps

In this way, the proposed building would step up to its tallest point from either side. This would help provide a suitable transition to the two storey buildings at 11 Church Walk and the Vicarage which are two storey and relatively modest in scale.

Officers consider that these stepped elements would prevent the building from appearing unduly dominating or oppressive within the local streetscape.

Further articulation would be added to the building by two storey projecting features, and recessed glazed features between the three storey blocks.

The site is visible from a number of angles, directly from the rear of houses on Prospect Road, directly from a greater distance to the rear from houses on Lyndale Avenue, as well as from side views along Church Walk from the west and east. To a lesser extent it would be visible from the grounds of the neighbouring vicarage, 11 Church Walk and Moreland Court.

The proposed building would take reference to the scale of neighbouring buildings. There are examples of relatively tall buildings, such as Moreland Court on Church Walk. The building would make use of the levels across the site, ensuring that the building does not appear overly tall or bulky against neighbouring buildings.

It is considered that the development would be of appropriate scale so that it would fit acceptably within the location, and would not appear unduly bulky.

External Appearance & Design

The existing vicarage building is constructed in buff brick with diamond brickwork patterns. The building features protruding gable features and natural slate roof. The building has been extended in the form of two storey red brick projections to either side.

The proposed building would reflect a mixture of modern design features and traditional building materials.

The building would include modern design features such as window reveals, and aluminium clad roofing.

The building would feature traditional materials such as brick and stone. The more modern aluminium roofing material will provide some contrast to this.

The surrounding area consists of a number of differing building designs. This includes:

- Red bricked and rendered traditional terrace houses on Prospect Road, some with double hung windows. Many have been extended in the form of tiled roof dormers with more modern fenestration.
- 11 Church Walk is a more modern house with a mixture of red and purple bricks, tiled pitched roof and rather incoherent fenestration.

- Moreland Court, which is built in a red stock brick with detailing, and divided windows. This has a uniform appearance
- The neighbouring vicarage is constructed in brown brick with a shallow profile slate roof.

As can be seen there is a variety of fenestration and building designs, though the use of traditional materials is a common theme. The proposals would take reference from these materials and ensure that the modern design elements fit well against neighbouring buildings.

The Design and Access Statement indicates the following proposed materials:

- The apartment building will be buff brick with stone reveals
- The houses would have red brick
- The roof level would be constructed in aluminium cladding (Pale Amber)
- Windows would be powder coated aluminium and reconstituted stone surrounds

The varieties of brick are considered appropriate given the mixture of brick colours and textures within the locality.

Finalised details of materials would be secured by a condition attached to the grant of planning permission, including details of soft and hard landscaping. However it is considered that these materials would provide an acceptable overall appearance to the development.

Landscaping

The planning application is accompanied by a proposed planting strategy.

This breaks up the site into distinct areas, namely:

Main Frontage Section
 Communal Entrance
 Communal Garden
 Private Rear Gardens
 Private Front and Rear Terraces

The front of the site has an existing retaining wall with significant levels drop to the rear of this. There are three notable trees to the east which would be retained to the front boundary.

There is an existing line of mature trees to the rear of the site close to the rear of the site. The rear of the site is currently contains a large but unkempt grassed area.

A low front wall would be constructed in the location of the existing retaining wall.

Hardstanding is proposed to part of the front of the site. It is considered important that high quality materials are provided and this would be secured by a condition attached to the grant of planning permission.

Residents have raised the issue of proposed landscaping to the rear boundary with properties on Lyndale Avenue. The applicant has submitted an indicative landscaping

statement at this stage. Detailed proposals would be submitted as part of a suggested condition. However the officers are satisfied that a planting scheme that can feasibly be delivered which will contribute positively to the appearance of the area.

A condition is suggested to ensure that prior to occupation a scheme of mature landscaping is provided on the site. It is recognised that the site has a verdant character which this would ensure is retained.

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

Daylight/Sunlight

Policy DM1 advises that *Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.*

The applicant has provided a daylight and sunlight report which accompanies the planning application.

This assesses the impact of the scheme on neighbouring occupiers. It assesses the impact on All Saints Vicarage, 11 Church Walk, 2-21 Prospect Road, and Moreland Court.

The report shows the difference in Vertical Sky Component (VSC), as modelled between existing and proposed situation, and Annual/Winter Sunlight Hours.

Looking at the vertical sky component, the greatest impact would be to the ground floor kitchen windows at the neighbouring vicarage, and at 0.8 of the existing figure this would still accord with Building Research Establishment (BRE) Guidance.

Similarly, the impact on the windows facing south across Prospect Road would show only minimal reductions to Annual and Winter Sunlight Hours.

It is recognised that the analysis of impacts on daylight and sunlight is not an exact science, as there are elements of modelling and assumptions involved. Nevertheless, officers are of the view that the methodology used within the report is appropriate. Furthermore, the results of survey conclusively show that any impacts are sufficiently minor so that they would not cause material harm to neighbouring residents.

It is considered that the proposals would have an acceptable impact on the daylight and sunlight enjoyed by neighbouring occupiers.

Visual Impact/Outlook

The proposed development would be located adjacent to the Vicarage and 11 Church Walk.

The proposed development would project some 2m beyond the rear wall of 11 Church Walk, a distance of some 8m away. Given the distance of the building away from the boundary with no.11, it is not considered that the building would appear overbearing, or result in harmful loss of outlook to the occupiers of this property.

The proposed building would not extend beyond the rear wall of the vicarage on the site nearest. There would be a gap of some 6.5m between the nearest house and the

boundary with the vicarage. It is not considered that the building would appear overbearing, or result in harmful loss of outlook to the occupiers of this property.

There is a distance of between 18-21m, from the rear windows of houses on Lyndale Avenue to the site boundary and 32m to the building itself. It is not considered that there would be a harmful sense of enclosure or loss of outlook to residents on Lyndale Avenue.

Given the distance of at least 24m from the rear windows of houses on Prospect Road to the site, it is not considered that there would be a harmful sense of enclosure or loss of outlook to residents.

Privacy

The proposed building would have a back to back relationship with houses on Lyndale Avenue. The distances vary from the rear windows of these properties to the site boundary but is generally 18-21m.

The proposed building at it's closest point would be approximately 14.3m from the rear boundary.

This would leave a minimum distance of 32.3m between facing windows over ground, first, and second floors. This would comply with the Council Supplementary Planning Document on Sustainable Design and Construction, which requires a distance of 21m. At the roof level, this would increase to 36m.

In terms of the properties on Prospect Road to the front of the site, the distance would be a minimum of 24m at ground, first floor and second floor levels, and 26m at roof level.

In terms of the relationship to properties to the side, the buildings have been designed so that they would not have habitable rooms to either side. It is not considered that there would be overlooking from rear windows over the gardens of properties to the sides due to the oblique angle of their relationship.

Any perception of overlooking that could arise would be further mitigated by the mature tree planting to the rear of the site. This would be secured by condition.

It is not considered that the proposals would result in harmful overlooking to neighbouring occupiers.

Residential Amenity

The proposals would involve the replacement of the former care home on the site, which served approximately 42 residents. There would also have been staff members present at the site.

The proposals would provide 35 dwellings. Officers estimate, taking into account the number of bedrooms within the development, that full occupancy would be around 110 residents. However, in practice this is likely to be somewhat lower. A condition is suggested in order to ensure that the individual flats and houses are not subdivided into Houses of Multiple Occupation which would normally be possible under 'permitted development'. This would ensure that the amount of activity on site is kept to acceptable levels.

Taking into account the size of the site, the proposals would constitute something of a more intensive use, and as a result there may be some increased noise and disturbance as a result of the proposals.

However, officers consider that the amount of activity taking place would not be so great as to result in harm to neighbouring occupiers.

The proposals should be viewed in the context of London Plan Policy which states that residential development should optimise use of sites.

5.3.5 Whether harm would be caused to the living conditions of future residents

Quality of Accommodation - Daylight/Sunlight/Outlook

The applicant has provided a daylight and sunlight assessment in support of the planning application, which looks at the proposed accommodation.

Generally the proposed units would have dual aspect, looking north and south. This is considered to provide high quality outlook for future residents.

A single room at lower ground floor level would marginally be below BRE standards. This is a lounge/kitchen/dining area, is not the only living room within the property, which is served by other windows serving living areas. It is therefore considered that this is acceptable.

Internal Amenity Space

The proposed units have the following Net Internal Areas:

Ground Floor

1 bedroom flat – 54 sq m
1 bedroom flat – 60 sq m
2 bedroom flat – 80 sq m
2 bedroom flat – 82 sq m
3 bedroom flat – 122 sq m
3 bedroom flat – 105 sq m
3 bedroom flat – 130 sq m
2 bedroom flat – 80 sq m

First Floor

1 bedroom flat – 54 sq m
1 bedroom flat – 60 sq m
2 bedroom flat – 80 sq m
2 bedroom flat – 82 sq m
2 bedroom flat – 75 sq m
1 bedroom flat – 57 sq m
2 bedroom flat – 80 sq m
1 bedroom flat – 57 sq m
2 bedroom flat – 75 sq m
2 bedroom flat – 82 sq m
2 bedroom flat – 80 sq m

1 bedroom flat – 55 sq m

Second/Third Floor

3 bedroom flat – 100 sq m
3 bedroom flat – 118 sq m
2 bedroom flat – 82 sq m
3 bedroom flat – 132 sq m
1 bedroom flat – 57 sq m
3 bedroom flat – 156 sq m
1 bedroom flat – 57 sq m
3 bedroom flat – 132 sq m
2 bedroom flat – 82 sq m
3 bedroom flat – 118 sq m
1 bedroom flat – 55 sq m

Houses

3 bedroom house – 127 sq m
4 bedroom house – 189 sq m
4 bedroom house – 214 sq m
3 bedroom house – 168 sq m

In terms of quantum, these areas are fully compliant with the standards within the Mayor's London Plan policy 3.3 as well as the Supplementary Planning Document on Sustainable design and Construction.

External Amenity Space

Amenity space is laid out so that there are private gardens to the rear of dwellings and a centrally located communal area to the rear of the flats.

House 1 (3 Bedroom) – 190 sq m
House 2 (4 Bedroom) – 110 sq m
House 3 (4 Bedroom) – 95 sq m
House 4 (3 Bedroom) – 130 sq m
Communal Amenity Area for Flats – 467 sq m
Private Amenity Areas for Flats
Ground Floor – 55 sq m, 35 sq m, 43 sq m, 30 sq m
First Floor – All units have balcony areas between 5 sq m and 12 sq m
Second Floor – All units have balcony areas between 5 sq m and 21 sq m

The Supplementary Planning Document: Sustainable Design and Construction sets out external amenity space standards for development.

Overall it is considered that the development would provide a good amount of amenity space for future residents.

In terms of the quality of the amenity space, the garden areas benefit from significant depth and as a result would receive good amounts of sunlight.

Playspace

The proposals include:

- Lawn area
- Shrub planting and existing mature trees
- Interactive elements such as stepping blocks, boulders, and sloping/rolling lawn to play on, whilst preventing ball games

The proposals would comply with the requirements of the Mayor's London Plan in terms of playspace provision.

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

Church Walk is a narrow access road which only 4 metre wide. The site is within a 'one hour' Controlled Parking Zone (CPZ). The CPZ is in operation during Monday to Friday from 10 am to 11am.

There are also business permit bays in operation in Church Walk during Monday to Friday from 9am to 5.30pm.

On one side of Church Walk there are an All Day waiting restrictions in place to ensure that an unobstructed through access is maintained.

43 parking spaces are proposed in total. 32 parking spaces are proposed in a basement car parking area and the remaining 11 parking spaces including 3 disabled parking spaces are provided at ground level.

60 cycle parking spaces are also being provided at ground level.

The Public Transport Accessibility Level (PTAL) rating for the site is 3. The Public Transport Accessibility Levels (PTAL) is graded from 1 for poor accessibility to 5/6 for excellent accessibility. Therefore the PTAL score of 3 for the site is considered as medium accessibility.

Parking Provision

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

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be

demonstrated through a survey that there is sufficient on street parking capacity.

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

The parking requirement for the proposed residential development falls between the ranges of 26 to 50.5 parking spaces to accord with the Parking Standards as set out in the Barnet Local Plan, Development Management Policies DM17. The parking provision of 43 parking spaces is in accordance with the parking policy DM17.

Access

A new two-way ramped vehicular signalised access to the basement car park is proposed. Any access involving signals will need to allow priority for the vehicles entering the site. The gradient for the proposed ramp leading to the underground parking area should have a gradient not steeper than 1:10 otherwise it would need to be in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks most recent Edition. Conditions are suggested to ensure that this is achieved. Access for emergency vehicles will be from Church Walk as per existing arrangement.

Refuse/Recycling

Refuse collection is to be from Church Walk. A refuse store is positioned within the building to the east of the main pedestrian entrance, and a member of staff will move the bins to a collection point close to the back of the footway within the 10m of the public highway.

Servicing

It proposed that due to the residential nature of the proposals, servicing will be limited to the occasional delivery movements. Smaller vans (the majority of movements) will be able to serve the site from Church Walk as with the existing arrangement for Church Walk House. All other deliveries will be the same as per the other properties on Church Walk.

Trip Generation

Transport Statement (TS) submitted with the planning application indicated that the proposed development is likely to result in an increase of two vehicular trips in the morning peak hour and an increase of three vehicular trips in the evening peak hour and an increase of 36 vehicular trips over the course of a typical weekday

Safety

It is noted that the site is located in close proximity to nearby nursery and primary schools. The proposals would result in some increase in activity on the site and would result in new vehicular accesses being created. There is something of a decrease in levels away from the footway. Any boundary treatment would be low and allow for good visibility across these access points. It is considered that there would not be a harmfully increased risk of accidents as a result of the development.

5.3.7 Whether the proposals would have an acceptable impact on local flood risk and drainage

Flood Risk

The site is not located within an area of designated flood risk by the Environment Agency, nor is it located within a critical drainage area.

Drainage

The drainage strategy follows the SuDS (Sustainable Urban Drainage Systems) hierarchy:

- It is proposed that green roofs will be utilised to store and re-use run-off on-site
- Run-off will be restricted to 5 l/s and will be attenuated on-site

This has been reviewed by the Lead Local Flood Authority. They make the following comments:

The applicant should be encouraged to incorporate green roofs and / or rainwater harvesting to the greatest extent possible.

The applicant has proposed the use of a cellular storage tank to attenuate surface water run-off from the site before it discharges to the existing Thames water surface water sewer, confirmation of the Adopting Authority for all SuDS are required.

The applicant has proposed to discharge both foul and surface water to the existing Thames water network, confirmation that the existing network has sufficient capacity to accommodate proposed flows from the development will be required prior to construction.

The detailed drainage strategy has specified the use of a green roof for the proposed development. The applicant should implement rainwater harvesting as another form of on-site storage and re-use.

Sufficient information has been provided to demonstrate appropriate foul and surface drainage systems can be developed in the detail design stage and sufficient calculations have been provided to confirm adequate drain down times of attenuation structures. However calculations do not use the correct adjustment for climate change (see comment below).

The Lead Local Flood Authority are satisfied with the drainage strategy in principle subject to additional conditions.

5.3.8 Whether the proposals would have an acceptable impact on local ecology

Ecological Surveys

The site is not located within an area of interest for nature conservation.

Residents have raised the issue of whether the existing site and buildings may house bats and great crested newts.

An ecological survey accompanies the planning application.

This states that Church Walk House has low potential for bat roosts in the tiled pitched roof slopes. JF Kennedy House was considered to have no potential for roosting bats.

There are no ponds or water courses on the site that would be suitable for aquatic species.

The survey mentions that there may be some potential for shrews, and small mammals to use the rear garden for foraging and breeding.

The survey advises that further dedicated bat surveys are required and these are addressed in the section below.

It would be required that ecological improvements are secured in accordance with Development Management policy DM16 and London Plan policy 7.19.

Bat Surveys

The applicant has provided a bat survey in support of the proposals.

Previous daytime bat assessment and surveys were conducted in September 2011, March 2013 and May 2014. No roosting bats were discovered during these surveys. A dusk bat survey was undertaken on 29 June 2015 and observed two common pipistrelle bat was observed foraging in the rear garden of the site. No bats were observed entering roosts. A further dawn bat survey was undertaken on 13 July 2015 and a single common pipistrelle bat was observed foraging in the rear garden of the site. No bats were observed entering roosts.

The bat survey concludes that no further surveys are required, however a 'soft demolition' approach during construction should be undertaken to take into account the possibilities that there are bats present. Furthermore bat boxes should be provided as part of the ecological improvements associated with the scheme.

5.3.9 Sustainability/ Environmental Issues

Air Quality

The applicant has provided an air quality report in support of the scheme. This states that *'the results of the assessment indicate that annual mean NO2 concentrations are likely to be below the objective at all receptor locations. In addition, no exceedences are estimated for the hourly mean NO2, annual mean PM10 or daily mean PM10 objectives.'*

Officers have reviewed the air quality report, and consider that subject to appropriate mitigation, it is considered that the proposals would provide an acceptable environment for future residents.

Noise Impact

The applicant has provided a noise survey in support of the scheme.

The noise impact on the proposed dwellings has been assessed against the NPPF. Mitigation is recommended by the report, but based upon the results of the applicant's survey and assessment the proposed dwellings are considered to comply with policy DM04 in terms of the ability to achieve suitable internal noise levels.

Conditions are suggested to ensure that the adequate mitigation is provided.

Environmental Performance

All new housing will be expected to meet the relevant Building Regulations and should achieve a mains water consumption of 105 per head per day or less. Relevant planning policies on these matters include policies 3.8, 5.15 and 7.2 of the London Plan (2015); policy CS13 of the Barnet Core Strategy (2012); and policy DM02 of the Barnet Development Management Policies document (2012).

Any development should clearly demonstrate how a proposal is making the fullest possible contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Applications should include a commitment to the scheme proposed achieving a specific level of improvement in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. Relevant planning policies on this matter include policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

Policy 5.2 of the London Plan states that major developments should achieve a 40% improvement in carbon dioxide emissions of the Building Regulations 2010 Target Emission Rate.

The proposals will make use of solar water heating and air source heat pumps. The Energy Statement advises that a reduction of 33.3% in CO₂ emissions can be achieved, against a target of 35%. Since this time an addendum has produced which sets out that the scheme will achieve the 35% reduction required.

5.3.10 Whether the proposals would have an acceptable impact on security in the local area

The Metropolitan Police Crime Prevention Design Advisor has reviewed the proposals and has no objections in principle to the proposals. The Metropolitan Police would expect this development should incorporate all of the Secured by Design requirements detailed with in the New Homes 2014 Guide.

Relatively minor changes would be needed to ensure compliance with this, and a condition can be attached securing the requisite alterations to the scheme.

5.3.11 Accessibility

Policy 3.8 of the Mayor's London Plan requires that 10% of new dwellings within major developments are wheelchair accessible or adaptable.

The proposed plans show three wheelchair adaptable units within the ground floor of the apartment block. This is considered to be policy compliant and would ensure that the development provides a suitable mix of accommodation.

5.3.12 Section 106 Issues and CiL

Skills, Employment, Enterprise and Training

The proposals would involve the construction of 35 flats. The Supplementary Planning Document on Skills, Enterprise, Employment and Training requires a Local Employment Agreement. Given that the development is for a relatively small number of flats (under 50), a commuted sum in lieu of a Local Employment Agreement is appropriate if the applicant is unable to provide a Local Employment Agreement.

Community Infrastructure Levy

Barnet has adopted a Community Infrastructure Levy and the charging schedule came into effect on 01/05/2013.

CIL is a standardised non-negotiable local levy that is placed on new development. The purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for

local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough.

The proposals would be liable for Contribution of £609,930.00 towards Barnet Community Infrastructure Levy, and £158,130.00 towards Mayoral Community Infrastructure Levy, in addition to the affordable housing contribution discussed above. This would need to be indexed.

5.4 Response to Public Consultation

Principal of Development

Loss of the existing care home – *Addressed in main report*

There is demand on local schools and this would increase as a result of the proposals

- *The scheme would make provision towards Community Infrastructure Levy which would contribute towards such matters*

Lack of affordable housing – *The scheme has been assessed and the contribution towards affordable housing has been considered acceptable independently*

Existing building is local landmark and one of the oldest and most characteristic buildings in the area *The building is assessed in the main report. It is not considered that it would constitute a non-designated heritage asset*

Local children use Church Walk on a daily basis as a safe route to nursery and school. It also provides children with a safe place to play. This is almost a unique characteristic of the area and must be preserved. – *The loss of the facility has been considered and is acceptable*

Amenity Issues

Overlooking and loss of privacy – *Addressed in main report*

Loss of light – *Addressed in main report*

Noise and Disturbance – *Addressed in main report*

Light Pollution – *It is generally considered that the development should not give rise to harmful light pollution given the distance to neighbouring residents. However, details of finalised external lighting around the building would be secured by a planning condition.*

Construction - 18 months or more of heavy construction causing disruption and noise – *Whilst it is recognised there may be some disruption during construction this is not reason to withhold permission. A condition is attached requiring details of a Construction Management Plan*

Air quality assessment is an underestimate – *The applicant advises that the air quality assessment uses a higher net trip generation figure at S.2.2 than is shown to be the case in the Transport Assessment (the figure of +36 vehicle flows was based upon the pre-application scoping exercise, as set out in Appendix A to the Transport Assessment, and wasn't updated to reflect the lower net increase figure at Section 5 of the submitted Transport Assessment of +28 vehicle movements over the 12 hour period). The actual impact in terms of air quality would therefore be slightly less than shown.*

Although there is a 4m level change across the Church Walk House plot (source: Design & Access Statement, section 3.2), the proposed development is designed as a level building. The result is that while the proposed development is the same height as the homes at the upper end of Lyndale Avenue (as can be seen in cross section BB in the existing and

proposed plans) – *It is considered that the proposed building would take into account levels changes across the site and would have an acceptable appearance*

Character and Appearance Issues

Over-Development – *Addressed in main report*

Height of building – *Addressed in main report*

Mass of building – *Addressed in main report*

Church walk has unique environment and this would be spoiled – *It is noted that the existing site has a verdant character and the existing building has some historical features*

Building will change the character of the area and overpower Church Walk and its surroundings by its scale – *Addressed in main report*

No attempt to re-use features from existing building *There is no requirement for the development to replicate features on the existing building*

Retaining wall along Church Walk is very fragile – *Noted, and it is important that this is given consideration during construction*

Trees

Loss of mature trees – *Addressed in main report*

Mature screening should be provided to the boundary – *Noted and this would be ensured*

Highways Issues

Parking/Highways Impact – *Addressed in main report*

Development will result in increased volume of traffic which cannot be accommodated by the existing road. – *Addressed in main report*

Over-crowding will be the result to such an extent that it will endanger pedestrians

-It is impossible to see round the corners, impact on nursery - *Highways officers have reviewed the information provided. It is considered that there is adequate visibility to serve the proposed accesses. The proximity to the existing nursery and school is noted, however it is considered that there would not be a materially increased risk of accidents in this regard.*

Emptying of dustbins would mean large obstacles cluttering the pavements – *The proposed refuse storage and collection arrangements are considered to be acceptable*

Access for emergency vehicles and supply vehicles? – *The Fire Brigade and Police have been consulted on the proposals and have expressed no objection*

Transport Statement is inadequate – *The initial transport statement did not include the 15 care units within JF Kennedy House. An addendum has been produced to take these into account*

Finally we can find no discussion of the road safety implications for the children of the Jack and Jill Nursery in All Saints Church Hall and the children of the All Saints Church of England Primary School. – *Highways officers have reviewed the information provided. It is considered that there is adequate visibility to serve the proposed accesses. The proximity to the existing nursery and school is noted, however it is considered that there would not be a materially increased risk of accidents in this regard.*

Traffic impact ignores that the current site is vacant and generates no traffic. – *In planning terms the previous use is lawful and could be brought back into use. It is therefore a relevant consideration.*

Traffic analysis uses a PTAL rating of 3/4, should be 3. 3/4 overestimates public transport usage and underestimates traffic – *The Local Planning Authority has assessed the*

proposals on the basis that the site is located within in a PTAL 3 area. In any event, this is not considered to be a critical factor in deciding whether to grant planning permission

Ecology Issues

Lack of Environmental or Ecology Reports – These reports were not initially available on the website but are now available and residents have been informed

Potential for bats on the site – Addressed in main report

Bat & Swift Bricks / Boxes should be provided – Ecological improvements will be secured by planning condition

Presence of newts in vicinity of the site - The ecological survey does not detect any habitats suitable for newts

Biodiversity Gain should be secured This is noted

Potential to improve habitats for wildlife This is noted

Natural habitat for Long Tailed Tits, Great Tits, Blue Tits, Coal Tit, Robins, Dunnocks, Thrushes, Blackbirds, Wrens and Goldfinches – This is acknowledged. Ecological improvements would be secured

Flood Risk

- Water/Flooding/Subsidence A Basement Impact Assessment accompanies the planning application

- The sloping ground of heavy clay with under-ground streams represent a real problem The drainage of the site has been assessed and it is not considered that the nature of the site would result in harmful flooding

- Due to the down-wards slope our gardens at Lyndale Avenue has frequently been flooded during the winter months – The applicant would make use of Sustainable Urban Drainage Systems to address drainage issues on the site.

Procedural Issues

Description used by the applicant is misleading – The description has been amended, and consultation has taken place on this basis. It is considered accurate

Previous planning application is irrelevant and should not be shown on the plans It is agreed that this is of limited relevance, but it is not necessary for this to be removed

It should also be noted that the Victorian Society have objected to previous development on the site.

‘Church Walk House is a 1850s former vicarage which contributes very positively to the area. Its use of lively polychrome brickwork, crested gables and gothic arched windows, and its general vertical proportions, combine to produce a striking, confident building with real presence in the street. Although the building has been extended unsympathetically, it appears to retain its key features. The north façade in particular is a very attractive entrance frontage with porch, and seems to be in good overall condition. The architect was Thomas Talbot Bury, who designed many churches and parsonages, and worked with A W N Pugin on his designs for the Palace of Westminster. The church at the end of Church Walk was also to his design. The NPPF stresses the need for planning authorities to take account of “the desirability of sustaining and enhancing the value of heritage assets” (NPPF section 131) when deciding applications. Church Walk House clearly makes a positive aesthetic contribution to the street, has group value with the nearby church, and is by a noted architect; there is no doubt that it should be considered a heritage asset, and weight should thus be given to the desirability of its retention and enhancement in this

application. This is addressed within the main report. The Local Planning Authority is of the view that the building has been altered extensively and as a result the value of it has been diminished. It would not be considered to be a non-designated heritage asset.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

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

For the purposes of this obligation the term "protected characteristic" includes:

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide additional residential accommodation. This would include wheelchair adaptable/accessible units and so adequately cater for residents with disabilities.

The existing care home on site would have contained elderly residents and residents with disabilities. The loss of the facility is considered acceptable and it is considered that the demand for this accommodation can be met elsewhere.

In terms of likely negative impacts, it is suggested that the majority of these can be mitigated through conditions and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic. Whilst it is recognised that children, disabled and elderly road users are more likely to be affected by proposals which result in an intensification of use it is considered that these impacts are adequately mitigated by the proposals.

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

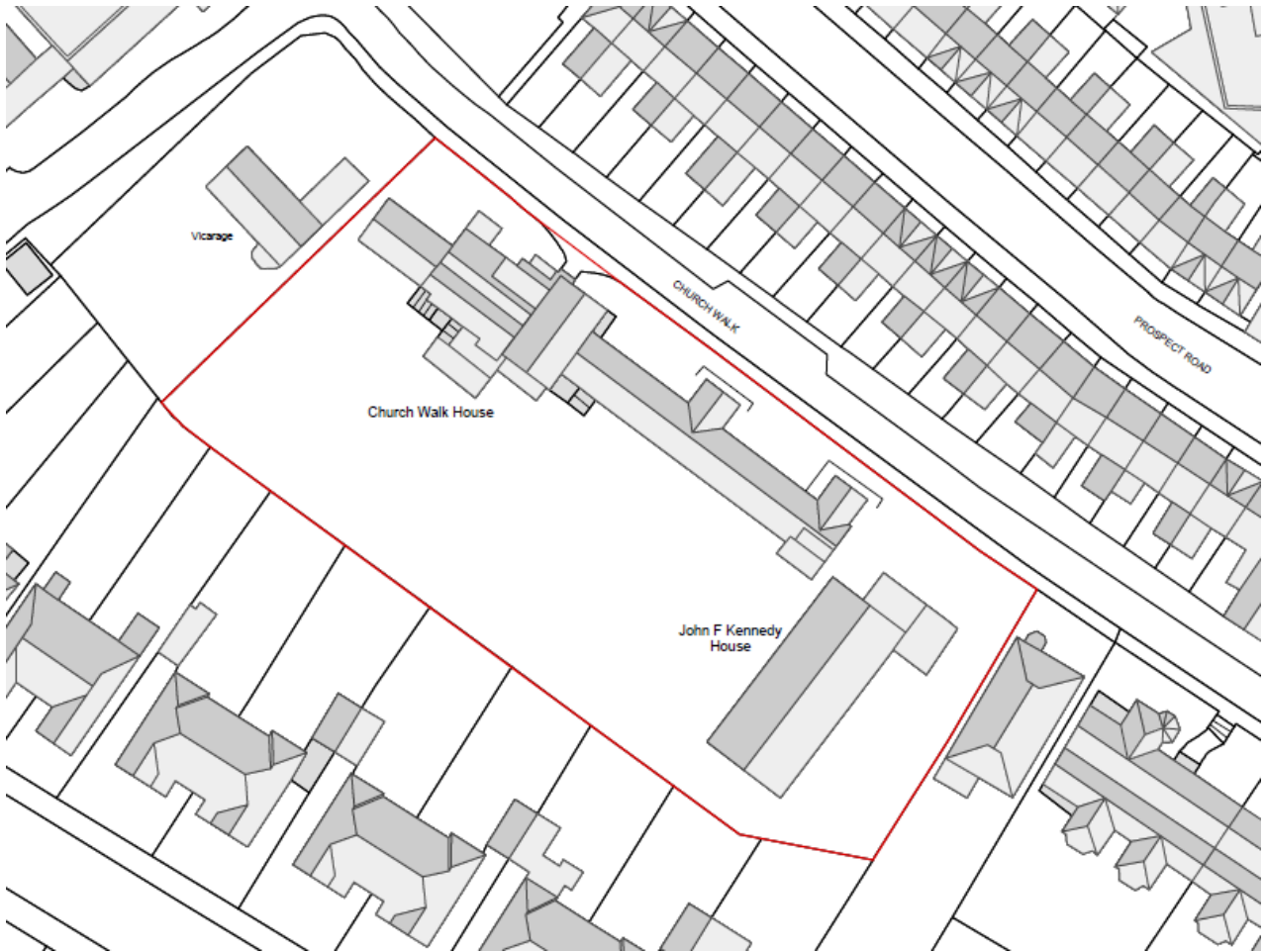
It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

7. Conclusion

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is considered to accord with the development plan. It would provide 35 additional dwelling units, as well as making a contribution towards affordable housing and infrastructure within the borough. It would be of high quality design and would respond appropriately to local context.

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



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Location **24 Southway London NW11 6RU**

Reference: **15/06258/HSE**

Received: 9th October 2015

Accepted: 9th October 2015

Ward: Garden Suburb

Expiry 4th December 2015

Applicant: Mrs Lucy Weiner

Proposal: Creation of a new basement with east side lightwell and 3no walk on rooflights

AGENDA ITEM 10

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Tree Report compiled by 'Tree Projects'; TSP JAN 2015 - REV A; TPP PCT 2016 - REV B; Design & Access Statement; L(-1)01; L(-2)01; L(-4)01; L(-1)02; L(-1)02D; L(-4)02; L(-4)03; L(-3)11; L(-4)11B; L(-2)11E; L(-4)12B; L(-2)12C; L(-4)13A.

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

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

- 4 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on Drawing No TPP OCT 2015 Rev B has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 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 (2015).

- 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).

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 £4,515.00 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 £17,415.00 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 is located on the southern side of the western section of Southway, close to the junction with Bigwood Road, within Area 8 of the Hampstead Garden Suburb Conservation area.

The existing building on site is a two-storey, detached residential dwellinghouse. It has been highlighted as a positive contributor to the character and appearance of the conservation area following the adoption of the Character Appraisal in 2010.

In particular to No. 24 Southway, the Conservation Area Character Appraisal notes that No. 24 "is a striking white rendered house with pale red/brown pantiles, a long central staircase window with a broken pediment on carved brackets and a round window below. Both have red brick surrounds Photograph 15)" thus acknowledging its positive contribution to the Conservation area.

2. Site History

Reference: C03345D/05

Address: 24 Southway, London, NW11 6RU

Decision: Approved subject to conditions

Decision Date: 11 January 2006

Description: Single storey rear extension. Partial conversion of garage to a habitable room.

Reference: C03345E/06/TRE_B

Address: 24 Southway, London, NW11 6RU

Decision: Trees: Not to Make TPO

Decision Date: 29 March 2006

Description: Ash - Reduce Density by 25%. 1 x Yew - Remove, 1 x Yew - Lift Low Branches, Trim Back as Specified

Reference: C03345C/03/TRE_B

Address: 24 Southway, London, NW11 6RU

Decision: Exempt

Decision Date: 27 November 2003

Description: Cryptomeria (Dead) -Remove.

3. Proposal

The application seeks consent for the following works:

- new basement level including 1no lightwell to west side, 2no walk on rooflights to east side and 1no walk on rooflight to rear (south)

The plans have been amended since the original submission to remove the relocation of an air condition unit

4. Public Consultation

21 consultation letters were sent to neighbouring properties.

A site notice was erected on 15 October 2015
A press notice was published on 22 October 2015

8 responses have been received, comprising 8 letters of objection

The objections received can be summarised as follows:

- applicant did not seek pre-application advice prior to the submission of the application
- extent of basement is unclear
- concerns raised regarding tree report
- light spillage
- insurance needed to cover any damage to neighbouring properties/structural damage
- scale of accommodation
- noise from the lightwells
- concerns regarding the air-conditioning plant being relocated
- disruption during building works
- loss of trees

The Hampstead Garden Suburb Conservation Area Advisory Committee were consulted as part of the application process and have raised no objection to the proposal.

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, DM04, DM06, 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.

ul Supplementary Planning Documents

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

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 the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

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

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

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

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

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

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

Policy DM06 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The proposed alterations to the fenestration are considered acceptable. The alterations mainly relate to the introduction of lightwells to serve the basement accommodation which would include timber framed casement windows below ground level to the west elevation. A condition is suggested requiring all new fenestration to match the original in style and design. The proposed basement development is considered to be acceptable. The proposed lightwells in form of walk-on rooflights are modest in size and design and appropriately sited, in line with the requirements of the adopted Conservation Area Design Guidance.

The Tree Report submitted with the application gives significant detail on the management of the trees on site. T5 and T6 (both Yew trees) are shown to be affected by the proposals; T5 is considered to be too close to the property and is largely obscured from view by T6 to warrant retention. The report proposed to remove T5 and relocate T6 to a more appropriate location so as to minimise any impact the proposed development may cause of it - the works are considered to be acceptable. A tree protection plan has also been submitted as part of the application which is also considered to be acceptable and can be secured via an appropriate condition.

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

5.4 Response to Public Consultation

- applicant did not seek pre-application advice prior to the submission of the application: it is not compulsory for an applicant to seek pre-application advice
- extent of basement is unclear: the plans clearly indicate the extent of the basement
- concerns raised regarding tree report: the tree report is considered to be acceptable
- light spillage: given the limited sizes of the proposed lightwells, it is not deemed that they would result in a significant light intrusion to neighbouring properties
- insurance needed to cover any damage to neighbouring properties/structural damage: not a material planning consideration
- scale of accommodation: the property will remain as a single family dwellinghouse
- noise from the lightwells: the lightwells are fully enclosed and are not grills, therefore it is not considered that the lightwells would result in any undue noise impact on neighbouring occupiers
- concerns regarding the air-conditioning plant being relocated: the relocation of the air-conditioning units has been removed from the application and will remain in the same place
- disruption during building works: conditions are suggested in relation to hours of operation and construction management plan
- loss of trees: 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, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.



Location 11 Middleton Road London NW11 7NR

AGENDA ITEM 11

Reference: 15/07926/HSE

Received: 24th December 2015

Accepted: 5th January 2016

Ward: Garden Suburb

Expiry 1st March 2016

Applicant: Mr Michal Surname

Proposal: Extensions to the rear at basement, ground and first floor level. Re-modeling of the front entrance and proposed new windows and doors. New light well and new openings. Lowering of the internal and external basement level, changing of the roof tiles and relevant internal changes

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan: 392 1PL 000, 392 1EX 01, 392 1EX 02 392 1EX 03, 392 1EX 04, 392 1EX 05, 392 1EX 06, 392 1EX 07 392 1EX 09 and 392 1PL, 392 1PL 00 REV A, 392 1PL 01, 392 1PL 02 REV A, 392 1PL 03, 92 1PL 05, 392 1PL 06 REV A, 392 1PL 08 REV A and 392 1PL 09.

Changing tiles: 392 EXR 100, 392 EXR 101, 392 EXR 102 and 392 EXR 103.

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) and those shown on the approved plans.

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

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 Before the building hereby permitted is first occupied the proposed first floor windows in the side elevation facing towards no.13 Middleton Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

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

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

- 7 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 elevations, of the first floor rear extension hereby approved, facing towards nos.9 or 13 Middleton Road.

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).

- 8 The screens and balustrades of the proposed rear terrace shall be installed in accordance with the approved plans 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), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 The premises shall be used for 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.

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

1. Site Description

The application property is a two storey, semi-detached dwellinghouse located on the North side of Middleton Road. Either side of the application site is nos.9 (adjoining) and 13 (adjacent) Middleton Road. The applicant properties are not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the applicant properties which might limit development. There are no protected Trees on or adjacent to the application site. Levels drop from front to rear of the site and this has been utilised to create a basement to the property. The front garden area is currently hard surfaced and is used for parking.

2. Site History

Reference: 15/06053/192

Address: 11 Middleton Road, London, NW11 7NR

Decision: Lawful

Decision Date: 15 October 2015

Description: Demolition of existing dormers and creation of new partial hip to gable and rear dormer roof extensions and 1. no rooflight to front to facilitate loft conversion. Lowering of existing basement.

Reference: 15/06090/HSE

Address: 11 Middleton Road, London, NW11 7NR

Decision: Approved subject to conditions

Decision Date: 18 February 2016

Description: Rear extension at lower ground, ground and first floors and rear garden and side passage level changes. Front lower ground floor extension/ Light well. Alterations to porch, driveway, side elevation and relevant internal changes. (AMENDED PLANS)

Reference: 16/1011/NMA

Address: 11 Middleton Road, London, NW11 7NR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Non-material amendment pursuant to planning permission 15/06090/HSE dated 04.02.2016 for "Rear extension at lower ground, ground and first floors and rear garden and side passage level changes. Front lower ground floor extension/ Light well. Alterations to porch, driveway, side elevation and relevant internal changes". Amendments include "Lowering of the basement, associated internal alterations"

Reference: F/05597/13

Address: 11 Middleton Road, London, NW11 7NR

Decision: Refused

Decision Date: 12 December 2014

Description: Retention of extension to raised rear terrace.

3. Proposal

This application furthers a previous application approved by Finchley and Golders Green Committee.

The application seeks permission for the erection of extensions to the rear at basement, ground and first floor level. Re-modeling of the front entrance and proposed new windows and doors. New light well and new openings. Lowering of the internal and external basement level, changing of the roof tiles and relevant internal changes.

- Enlargement of the basement 0.75 metre to the rear and lowering of the basement level with inclusion of a new front lightwell as well as no.3 side lightwells and an exposed lower ground floor terrace to the rear. As previously approved (except the lowering of the basement).

- Ground floor rear extension to project 0.75 metres beyond the existing rear elevation of the dwelling for a width of 5 metres. Alterations to the existing raised rear terrace; proposed terrace would project 2.75 metres beyond the rear building line of no.09 and 3 metres beyond the existing rear building line of the application property at its Eastern edge. The proposed terrace would have a maximum width of 4.6 metres, would be at the same level as the ground floor of the property and would feature a set of stairs that would run from the terrace down to the level of the rear garden. To the front of the property, the proposed light well would be enclosed by a glass balustrade with a height of 1 metre. As approved previously.

- At first floor level a rear extension is proposed to project 2.8 metres beyond the rear elevation of the dwelling with a width of 5 metres. The proposed first floor rear extension would support a shallow crown roof with an eaves height to match the original dwelling and a maximum height set below the main ridge height by 4 metres. As approved previously.

- New boundary screening. Along the western side boundary in front of the dwelling for a length of 9.5 metres as well as along the Eastern side boundary for a length of 22 metres timber fencing with a height of up to 1.8 metres is proposed (1 metre high close to the highway). Along the Eastern boundary towards the rear of the property timber fencing is proposed with a height of 2.5 metres. As approved previously.

- Alterations to the curtilage of the dwelling including resurfacing of the front and sides of the property and alterations to levels. A porous 'Ecopave' material is proposed to the front of the site and Grey Indian Sandstone is proposed along the side of the dwelling. The alterations to levels would include a continuation of the ground floor level along the side of the property 3 metres further towards the rear, where a new set of steps are proposed down to the rear garden level.

- Alterations to the fenestration of the dwelling including replacement of the existing front bay window with enlargement of glazing area (depth/projection to match existing) to the front, no.7 replacement windows on the side elevation of the main dwelling and no.1 to the rear.

- Changing roof tiles from brown to grey concrete across the entire house and extensions.

4. Public Consultation

Consultation letters were sent to 15 neighbouring properties.

21 responses has been received, comprising 21 letters of objection.

Neighbours Wishing To Speak 2

The objections received can be summarised as follows:

- Proposal would deleteriously affect the street environment and scene
- Impacts on privacy
- Impacts on light
- Impacts on outlook
- Overdevelopment of site / original dwelling
- Development out of character with local area
- Noise and disruption
- Cumulative impact of permitted and proposed development
- Proposed lightwell oversized / out of character
- Size/depth of extensions visual overbearing
- Over fenestration to the side elevation
- Development will lead to structural instability
- Proposed lowering of the basement would be prone to flooding
- Proposals would set a precedent for future development
- Development is outside the parameters of draft Neighbourhood Development Plan
- Inconsistency in the drawings
- Changing of roof tiles are out of character

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

As mentioned above, a previous scheme (15/06090/HSE) was approved planning permission by the committee for rear extensions at lower ground, ground and first floors

and rear garden and side passage level changes. Front lower ground floor extension/ Light well. Alterations to porch, driveway, side elevation and relevant internal changes. The main changes with this present application are lowering the basement level and changing the roof tiles

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

The majority of the proposals are the same as previously approved by the committee under planning application reference 15/06090/HSE.

The principal changes are:

- The lowering of basement level by approximately 500mm beyond the previous approval
- Alterations to the rear fenestration to lower height of rear ground floor windows and removal of window to side facing no.9.
- The changing of the roof tiles on the property

Middleton road is characterised by two storey, predominantly semi-detached dwellings of very similar form, spacing and architectural vernacular. Many of the properties in the local area have been altered in various forms. As a consequence rear extensions (at both ground and first floors), hard surfaced front gardens and basements serviced by generous front lightwells have become characteristic features of the local area. As such, there is no objection in principle to further extension to the application property.

Barnet's Residential Design Guidance states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours.

Paragraph 14.24 precises that two storey rear extension need to ensure they do not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension
- unacceptable sense of enclosure to house and garden
- overbearing impact
- harm to the character or appearance of the property and area.

The property benefits from an existing basement of 2 metres high. The proposal would include a rear extension of 0.75 metre, similar to the ground floor. It would also lower the floor level to 1.5 metres below the existing floor level which is considered acceptable.

The proposed alterations to the front of the property would retain all of its main architectural features (principally the significance of the two storey front bay, front canopy/porch and the proportions of the front façade). The resulting dwelling would not appear incongruous within the streetscene or lead to an unbalancing effect on the pair of semi-detached dwellings. The proposed lightwell would not be dissimilar to those which are in existence on properties along the street and as such is not objectionable.

The property benefits from an existing terrace. The proposed rear terrace would not project further than the existing one and be set back from both side of the host property. It would remain a subordinate feature to the main dwelling and is considered acceptable.

The proposed lower ground patio would project further than the stipulated 3 metres guidance but would primarily be situated below the proposed rear terrace. The proposed lower patio would be open to the elements and at a level approximately 1.5 metres lower than the level of the rear garden. The lower patio would thus be perceived as a feature of the rear garden, similarly to the adjoining site (no.9).

It is not considered that the proposed extensions would be disproportionate to the original dwelling and that the resulting dwelling would remain in keeping with the local area. It is not considered that the scheme would represent an over development of the application site.

The front of the site is currently hard surfaced and used for parking. The replacement of the existing hard surfacing as well as the erection of the part 1.8m high boundary fences proposed (reduced to 1 metre close to the highway) are considered acceptable. Two cars could adequately be parked on the front of the site and so it is not considered that the scheme would lead to an increased pressure upon on street parking or inhibit highways safety.

The new tiles would be install across the entire property and extensions which would even the appearance of the roof and is considered acceptable. Normally the alteration of roof tiles in themselves does not require planning permission and as such no objection to this part of the proposals could reasonably be made.

The re-landscaping to the side and rear of the site would represent an improvement to the existing site and as such there is no objection. The proposed boundary fencing towards the rear of the site would require express permission but would not appear out of keeping with the local area or visually obtrusive.

The proposed scheme is therefore not objectionable in terms of its impact upon the character and appearance of the application dwelling, streetscene or character of the local area.

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

It is considered that the changes to the approved scheme would have limited impact on neighbouring occupiers.

The size of the extensions are essentially the same as those previously approved.

The proposed ground floor extension would project 0.75 metre to be in line with the bay window at no.9. The proposed ground floor extension would project 0.75 metre beyond the rear building line at No.13. At first floor level, the proposed rear extension would project 2.8 metres beyond the rear elevation and would be set away from the shared boundary with the adjoining property by 2 metres. The proposed raised terrace would project a further 2.75-3 metres (beyond the rear building lines of both nos.9 and 13) and would be elevated due to the variation in levels. This terrace would however be set away 2 metres from the boundary with no.9 and a minimum of 4 metres from the boundary with no.13 and would include obscure glazed screening with a height of 1.8 metres along either side return. The proposed alterations to levels at the side of the property would lead to an increase in the height when viewed from no.13, however due to the lack of primary, clear glazed windows on the side elevation of this neighbouring dwelling (the side window to the rear habitable room would be considered to be a secondary window and the small ground

floor side window and partially glazed door serve non-habitable rooms), the impacts of this element is not considered significant.

To the front of the property, the proposed alterations would not cause any impacts upon the living conditions of any neighbouring resident.

In order to ensure that the intensity of use within the site is not increased to a detrimental effect on local residents, a condition will be added ensuring that the proposed basement remains ancillary to the main dwelling and that the overall dwelling is retained as a single family dwelling house.

Light/Overshadowing

It is not considered that the proposals would harm neighbouring occupiers in terms of loss of daylight, sunlight, or the overshadowing of gardens.

Outlook/Visual Impact

Due to the scale, siting, design, and orientation of these proposed elements it is not considered that the residential amenities of any neighbouring resident would be impacted upon to a level of detriment as a result of the proposed works. This would include impacts upon outlook, sense of enclosure and visual impact.

Privacy

In order to ensure that the privacy of the neighbouring residents are protected conditions relating to the use of the flat roof; obscure glazing facing towards no.13; requirement to retain screening to the raised terrace and removal of PD rights relating to new first floor side windows to the proposed extension will be applied.

5.4 Response to Public Consultation

The objections raised by objectors are noted.

In regards to the proposal resulting in the overdevelopment of the site, the proposal makes the resultant development policy compliant and in line with the requirements of the adopted Residential Design Guidance. Besides, each application is judged based on its own merits; therefore it is not possible to judge an application based on the possible impacts of the others developments.

The increased depth of the basement would not harm neighbouring amenity through additional noise and disturbance through construction.

The proposed development is not considered to be out of character. Other properties have undertaken extension works. The scheme is considered to meet the stipulations of the Design Guidance and cause no harm to the amenities of neighbouring occupiers.

To prevent any loss of privacy and overlooking from the proposed development to the occupiers of No.13, a condition will be added requiring the proposed side windows to be obscure glazed. A condition would also be added to regarding the proposed screening around the terrace.

The proposals are considered to be an acceptable addition to the host property. As such, it is not considered that it will have a detrimental impact on the residential amenities of the neighbouring occupiers with regards to loss of light, overshadowing or overbearing.

The concerns raised regarding impact on structural stability are noted and acknowledged but it is a building control matter and does not constitute a reason for refusal.

The property is not located in a flood risk zone therefore, it is not anticipated that lowering the level of the basement would result in a flooding risk.

Until the draft Neighbourhood Development Plan has been formally adopted its prescriptions may not form a material consideration.

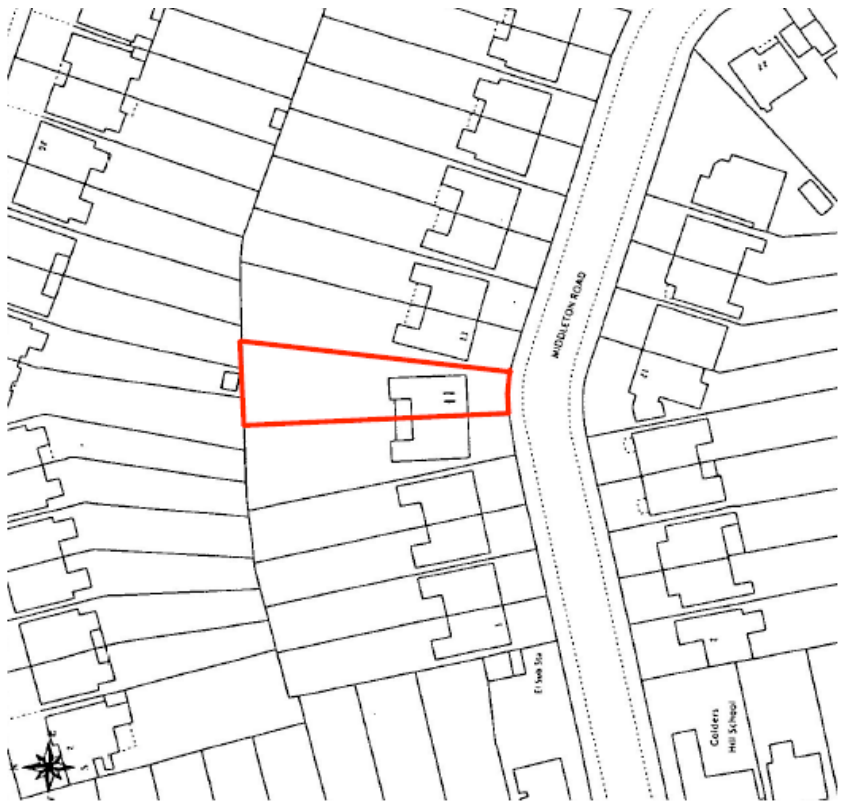
6. Equality and Diversity Issues

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 proposed changes to the approved scheme approved previously by the committee are considered to be minor in nature and would have limited impact on neighbouring occupiers and the appearance of the area.

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.



Location **Melvin Hall Golders Green Road London NW11 9QB**

Reference: **15/07820/FUL**

Received: 21st December 2015

AGENDA ITEM 12

Accepted: 4th January 2016

Ward: Golders Green

Expiry 29th February 2016

Applicant: Mr Stephen Undsorfer

Proposal: Roof extension to accommodate 1no self-contained flat with external balcony. Parking area to the northwest side.

Recommendation: Approve subject to conditions

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

- 716/101 Rev A, 716/102 Rev A, 716/103 Rev A, 716/104 Rev A, 716/105 Rev A, 716/106 Rev A, 716/107 Rev A, 716/108 Rev A, 716/109 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 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

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

- 5 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.

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of deliveries, access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 7 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 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)."

- 8 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 6% 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).

- 9 a) Before the development hereby permitted is first occupied, details the refuse collection point shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 11 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 716/108 Rev A; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 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 £3,465.00 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 £13,365.00 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

Melvin Hall is a residential apartment block that contains a total of 37 flats and 25 car parking spaces. The building was constructed in the 1960s/1970s and is characterised by its protruding terraces and a flat roof with sets backs to the 7th floor.

Vehicular access to the site is via Golders Green Road with a secondary access via Highfield Road. These are controlled with a barrier and drop down bollards providing access to 25 car parking spaces at the rear. There is a small area of hard standing to the rear of Ray Court fronting Highfield Road that would provide four additional car parking spaces. There is no cycle parking on site currently.

The property is not listed and does not lie within a Conservation Area.

2. Site History

Reference: C00409AG

Address: Melvin Hall Golders Green Road London NW11

Decision: Refused

Decision Date: 07 Feb 1990

Description: Extensions at 6th and 7th floors and an additional 8th floor to provide 4 additional flats, with additional parking accessed from Highfield Road (Outline)

3. Proposal

The proposal is to construct a roof extension to accommodate an additional 1x 2 bed flat with a floorspace of 98.4m²

The extension would be constructed on the 7th floor. Currently there is only one flat on this floor and the proposal would be constructed alongside Flat No 37 towards the northern part of the building. The extension would be constructed with matching materials to complement the existing block and will be the same height as the existing 7th floor.

4. Public Consultation

Consultation letters were sent to 183 neighbouring properties.

13no responses have been received. 12no objections have been received, and 4no comments have been submitted, all of which are summarised below.

- Out of character
- Affect property values
- Loss of privacy
- Noise and disturbance and Damage from construction works
- Structural issues
- Loss of light from scaffolding
- Notice not given to all freeholders
- Overlooking
- Effect of parking cars close to habitable rooms
- Car parking space will limit access for emergency vehicles

- Increase in road traffic and increase in off street parking
- Possibility of future development
- The roof is for an assembly point for fire
- No affordable housing
- The lift will take longer to travel thus increasing waiting time

Comment in support summarised as follows:

- Designed carefully and sensitively
- In keeping with the character of Melvin Hall

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 (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, DM03, DM08 and DM17.

Supplementary Planning Documents

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

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 surrounding area;
- Whether the proposal would provide good quality accommodation for future occupants;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Impact of the proposal on the character and appearance of the area

The proposed extension would incorporate 1x2 bed unit which would be constructed in matching design/materials that would complement the established character and appearance of the existing building. Given that there is an existing unit on the 7th floor the proposed extension to create an additional unit would be seen as a subordinate and proportionate addition to the existing building and would not have an harmful impact on the character and appearance of the host building or the wider street scene. There are similar high intensity purpose built flats in the vicinity and it is considered the development proposed would have an acceptable impact on the character and appearance of the area.

The quality of accommodation for future occupants

The proposed unit would have a floor area of 98.4m². It is considered the proposed unit would comply with the London Plan space standards for new development as outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and will provide an adequate internal space for future occupiers use.

Having carefully considered the proposal, officers consider that the scheme would provide adequate amenities for the future occupiers of the proposed unit. The design and layout of the proposed unit is considered adequate with an internal floorspace which meets with the relevant London Plan space standards. The flat would also have adequate daylight, sunlight, outlook and privacy for the future occupiers of the unit.

Impact the proposal would have on the amenities of neighbours

As the development would be no higher than the existing building, it is considered that the works proposed would not have a significant impact on the residential amenity of neighbours in terms of overlooking, loss of privacy, overshadowing or lead to a loss of light.

Conditions have been added to ensure that there is no undue nuisance caused to existing residents during the construction of the new flat.

Taking the above into account it is the officer opinion that the proposed development would have an acceptable impact on the amenities of neighbours.

Overall it is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers. It is found that the development would not be overbearing, visually obtrusive or cause unacceptable overlooking, overshadowing or losses of daylight, sunlight, aspect, privacy or outlook. The application is found to be acceptable and compliant with the objectives of development plan policies on the protection of the amenities of neighbouring occupiers subject to the conditions recommended.

Impact of the proposal on highway safety

Policy DM17 states that for flats of 2 to 3 bedrooms, 1.5 to 1 parking space should be provided per flat. The scheme proposes 4no additional off-street parking spaces along the existing hardstanding area to the rear of Ray Court which is accessed from Highfield Road. Taking this into account, this would accord with the requirements of Policy DM17.

6. Response to public consultation:

Out of character: *Addressed in 'assessment of proposals'.*

Affect property values: *While this has been considered this is has been attributed limited weight and not considered to be a reason for refusal in this instance.*

Loss of privacy: *Addressed in 'assessment of proposals'.*

Noise and disturbance and Damage from construction works: *A certain degree of noise and disturbance from any building works is to be expected. A construction method statement would need to be agreed by the council before works commence on site and will address.*

Structural issues: *Structural issues would be addressed through building control and not considered as a reason for refusal in this instance.*

Loss of light from scaffolding: *While this is a material consideration the scaffolding would only be temporary and therefore not sufficient reason to refuse the application.*

Notice not given to all freeholders: *All the freeholders were given the relevant notice. The online form however only allows 5 people to be included.*

Overlooking: *Addressed in 'assessment of proposals'.*

Effect of parking cars close to habitable rooms: *The existing area of hardstanding is located adjacent to the existing road and connects to an exciting access points for cars. The existing situation is therefore not dissimilar to that proposed.*

Car parking space will limit access for emergency vehicles: *The use of this area of hardstanding is likely to affect the access of emergency vehicles as their existing driveway would remain unobstructed.*

Increase in road traffic and increase in off street parking: *The proposed parking would meet Barnet's requirements and therefore is unlikely to create an increase in on street parking.*

Possibility of future development: *The application can only be assessed against the proposed scheme and not what could be applied for in the future.*

The roof is for an assembly point for fire: *Issues relating to the means of escape in the event of a fire would be addressed by building control.*

No affordable housing: *The proposed unit would not require an affordable housing contribution.*

The lift will take longer to travel thus increasing waiting time: *This has been taken into account but is not considered as sufficient reason for refusal.*

7. 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.

8. 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.



Location 1 Cumbrian Gardens London NW2 1EB

Reference: 16/0469/FUL

Received: 25th January 2016

Accepted: 29th January 2016

Ward: Golders Green

Expiry 25th March 2016

Applicant: Mr REZA FARD

Proposal: Conversion of property into 2no self-contained flats following first floor rear extension and new front porch

AGENDA ITEM 13

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. T01011603, T01011600, T01011607, T01011606-V1, T01011605-V1, T01011601, T01011602 and T01011604.

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 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. T01011607; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 4 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a

satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 5 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).

- 6 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.

- 7 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 elevation(s), of the extension(s) hereby approved.

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).

- 8 Prior to the first occupation of the new dwellinghouse (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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).

- 9 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 6% 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).

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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 £402.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority.

All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £1552.50 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 two storey, semi-detached dwellinghouse, located on the eastern side of Cumbrian Gardens, within the Golders Green Estate. The layout of the site is orientated so that the rear of gardens along Pennine Drive back on to the northern boundary of the site.

There are a number of other properties along Cumbrian Gardens and the wider Golders Green Estate that have been converted into self-contained flats.

2. Site History

Reference: C02869D/06

Address: 1 Cumbrian Gardens, London, NW2 1EB

Decision: Approved subject to conditions

Decision Date: 4 January 2007

Description: Single storey rear and two storey side extension

3. Proposal

This application proposes a first floor rear extension and a front porch extension to facilitate the conversion of the property into two self-contained flats.

The first floor rear extension would have a depth of 3.1 metres, set away 1.9 metres from the common boundary with the gardens on Pennine Drive and 2.3 metres from the common boundary with No. 3 Cumbrian Gardens. The first floor extension would have a width of 3.6 metres. The front porch would have a depth of 1.2 metre and a width of 2.4 metres, located in front of the existing front entrance.

4. Public Consultation

Consultation letters were sent to 53 neighbouring properties.

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

The objections received can be summarised as follows:

- Too many properties with hard surfacing to front gardens
- Too many flats
- Loss of light
- Outlook
- Increase in vehicles
- Noise and anti-social behaviour
- Overdevelopment
- Overlooking
- Noise and disturbance from construction
- Parking

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, DM04, 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:

- Principle of the 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 of neighbouring residents;

- Impact on parking and highway safety.

5.3 Assessment of proposals

Principle of the development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality or the amenity of neighbouring occupiers

The proposed front porch, given its minimal depth and width, is considered to be of a subordinate scale in relation to the host property and would not overly dominant the front elevation of building or appear prominent within the street scene.

The proposed first floor rear extension has been amended and would project 3.1 metres in depth and would be set away a minimum of 1.9 metres from each neighbouring boundary. Given the splayed nature of the host plot in relation to gardens and properties along Pennine Drive and that the extension would be set away from neighbouring common boundaries by a minimum of 1.9 metres at 3.1 metres in depth, it is not considered that this element of the proposal would result in an overbearing impact or loss of light to any neighbouring occupier to an unacceptable degree. The proposed depth and width of the first floor extension would be subordinate in scale to host property and would have an acceptable impact on the character and appearance of the host property.

Given that there are a number of properties along Cumbrian Gardens and the wider Golders Green Estate that have been converted into flats and that the proposal would only increase the number of units on site by 1, it is not considered that the proposed conversion of the property into flats would be out of character with the pattern of development within the area or result in an over intensification of the use of the site to an unacceptable degree.

The Council's Residential Design Guidance states that in new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The proposed first floor rear extension would not contain any windows in the side elevation and the rear of the extension would be set back from the common boundary with properties on Cheviot Gardens by over 10.5 metres and there would be a distance of over 21 metres from directly facing habitable room windows. As such, it is not considered that the proposal would result in overlooking and loss of privacy to any neighbouring occupier.

Whether the proposed accommodation would provide a satisfactory quality of living accommodation for future occupants.

The proposed ground floor unit would have an internal floor space of approximately 72.7 metres. This would comply with the minimum standard for a 2 bedroom, 3 person unit of 61m². The first and second floor flat would have a minimum floor area of 95.7m² and would be a 3 bedroom, 4 person unit. The minimum requirement for floor space for 3 bedroom, 5 person flats is 86sqm and this unit would meet this requirement. The proposed units would be dual aspect and would also be appropriately stacked.

It is noted that the ground floor unit would only have access to the rear amenity area. However, taking into consideration the considerable internal alterations that would be

necessary to provide access to the rear amenity for the first floor unit and that the site is in close proximity to both Basing Hill Park and Clitterhouse Playing Fields, it is not considered that the lack of provision of rear amenity space for the first floor flat would be a justifiable reason for refusal in itself.

Whether the proposal would be detrimental to highway safety or parking.

The property already benefits from off street car parking on the front forecourt and associated crossover. The proposal would utilise this space to provide a total of two parking spaces. The cross-over is proposed to be widened to 4.8 metres wide to ensure cars have unrestricted access to parking spaces. The proposal would comply with the Council's Policy DM17 in relation to car parking arrangements and considered to be acceptable on highways grounds. As such, the proposal is not considered to result in a detrimental impact on parking or highway safety.

5.4 Response to Public Consultation

Mainly addressed in appraisal above.

The existing front garden comprises of hard surfacing.

Noise and disturbance from construction works is not a material planning consideration.

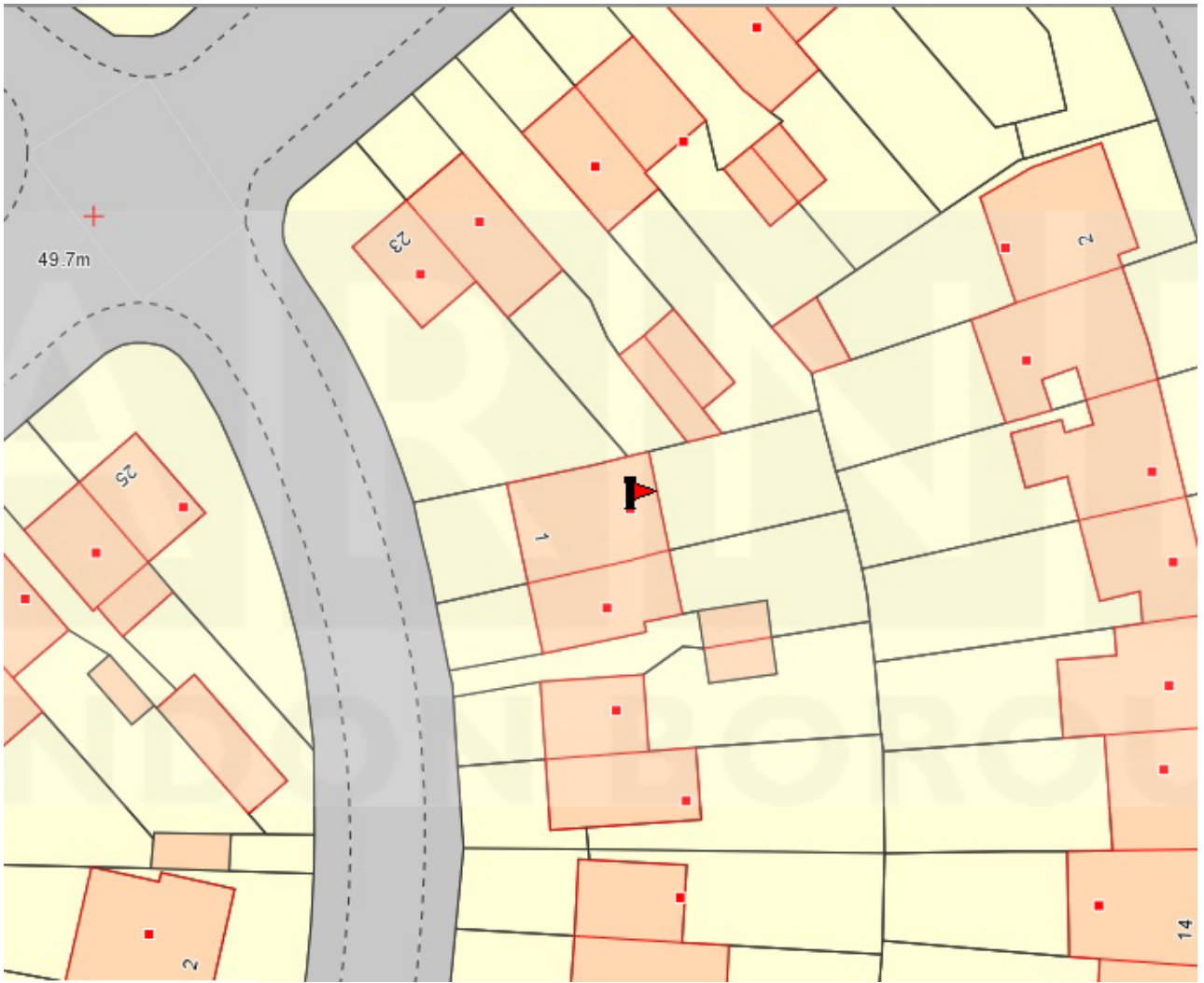
There is no evidence before the LPA to suggest that the conversion of the property into flats would result in an increase in anti-social behaviour within the area.

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.



Location **Fursby House 146B And 146C Nether Street London N3 1PG**

Reference: **15/07602/FUL**

Received: 14th December 2015

Accepted: 24th December 2015

Ward: West Finchley

Expiry 18th February 2016

Applicant: Mr Alexey Veschikov

Proposal: Erection of 2 no three storey semi-detached dwellings involving
basement, ground and first floor with rooms in roof space

AGENDA ITEM 14

Recommendation: Approve subject to conditions

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

215040-001; 215040-110 rev B; 215040-120 rev B; 215040-130 rev A; 215040-150;
Aerial View 3D, Street View 3D

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies

DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 4 Before the development hereby permitted is first occupied the parking spaces/garages shown on Drawing No. 215040/110A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 5 Before the development hereby permitted is first occupied, the landscaping and subdivision of the front and rear gardens shown on Drawing No. 215040/110A shall be implemented and completed and shall not be used for any purpose other than landscaping and the parking of vehicles in connection with the approved development.

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 that landscaping and private amenity spaces are provided in accordance with the council's standards in the interests of visual amenity, occupiers' amenity and the character and appearance of the area, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 of Schedule 2 of that Order shall be carried out within the site.

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

- 7 Before the building hereby permitted is occupied the proposed side dormer windows in both side elevations facing 144 & 148 Nether Street 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 (Policies DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (2012).

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting

that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the both properties hereby approved, facing 144 & 148 Nether Street.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties (Policies DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (2012).

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

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties. (Policies DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (2012).

- 10 The property shall be used as 2 self-contained dwellinghouses 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.

- 11 Prior to first occupation of the dwellinghouses hereby approved, the re-location of the access gates to Fursby House and the erection of the boundary enclosures shown on drawing shall be carried out in accordance with the approved details.

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 2015.

- 12 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 in accordance with Policies DM01, DM07 and DM08 of the Barnet Local Plan, Development Management Policies DPD (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. 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 applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 3 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 4 This consent conveys planning permission for the erection of a building consisting of a pair of semi detached dwellings, each to be used as a single dwelling house and for no other purpose. It should be noted that the enforcement notice relating to the demolition of the existing buildings on the site which are unlawful by virtue of their use as 14 self contained flats will take effect from 18 August 2016. Although planning permission is in place for the erection of two semi detached dwellings, until the use as 14 units has been superseded by the approved use as two dwellings as approved has been implemented, the enforcement notice will be deemed not to have been complied with. As a result, the developer will be liable for prosecution.

Officer's Assessment

1. Site Description

The application site comprises a recently constructed semi-detached pair of properties on the western side of Nether Street. The surroundings to the site are characterised by moderately large semi-detached and detached properties within generous plots. Side streets including West Avenue and Fursby Avenue are predominantly single dwelling houses. Nether Street is more mixed with a number of purpose built flatted blocks. Fursby House is a substantial detached mansion house which is anomalous with the established character of the area.

Each dwelling is arranged over four storeys with accommodation within the basement area and in the roof space. The properties were constructed at the frontage building line of a deep front garden associated with Fursby House. Although planning permission was originally granted for a pair of semi-detached dwellinghouses, including basement and roof level accommodation, each building has instead been constructed with 7 self-contained units to create 14 units in total. Some of the units have been occupied.

The property has a permeable hard surfaced front forecourt area for off street car parking with a small garden area to the rear. There is a single storey rear extension at the ground floor level and a basement excavation with an elevation to retaining well depth of just 0.8m and a ground to garden height of approximately 2.96m.

2. Site History

Reference: F/04505/12

Address: Fursby House, 146 Nether Street, London, N3 1PG

Decision: Lawful

Decision Date: 8 January 2013

Description: Demolition of existing outbuilding to the front of Fursby House.

Reference: F/02453/12

Address: Fursby House, 146 Nether Street, London, N3 1PG

Decision: Approved following legal agreement

Decision Date: 28 September 2012

Description: Erection of one pair of two storey semi-detached dwelling houses at land at the front of Fursby House 146 Nether Street, including formation of basement and rooms in roofspace.

A pair of semi-detached dwellings was constructed in accordance with the approved plans. However, the applicants received advice from local estate agents to suggest that each property could be subdivided into bed sitting units without requiring planning permission and as a result each original dwelling house was subdivided into four such units each with their own kitchen and bathroom including at basement level.

The undertaking of such a material change of use was evident by the proliferation of meter boxes attached to the front elevation of the property. Local residents were also concerned about the incomplete nature and appearance of the construction given that partial occupation had begun.

Nevertheless, there had been a breach of planning control through the creation of 12 additional residential units. The developers then sought to regularise the breach through a further planning application as follows:

Reference: 15/04762/FUL

Address: 146B and 146C Nether Street, London, N3 1PG

Decision: Refused

Decision Date: 21 October 2015

Description: Change of use from 2no. single residential dwellings into 14 no. self-contained flats at 146B and 146C Nether Street.

This application was refused for seven reasons as follows:

- 1) The conversion would create an over intensive and over crowded form of development giving rise to substandard accommodation.
- 2) The basement lightwell depth and height would give rise to an unacceptable sense of enclosure.
- 3) The over intensive concentration of units within the development would give rise to unacceptable levels of noise and disturbance.
- 4) The proposal would result in the provision of flats in an area characterised by single family dwellings.
- 5) The proposed development would give rise to parking demand that could neither be accommodated within the site nor within the local highway network.
- 6) The development would not be able to provide sufficient facilities for refuse and cycle storage.
- 7) The proposed development would not provide sufficient open space for all of the units within the proposed development.

Following the refusal of the planning application, enforcement officers served an enforcement notice against the development, which comprised, without planning permission, the construction of a two storey building with rooms in the roofspace and basement and its use as 14 self-contained flats.

The notice requires the developers to cease the use as 14 self - contained flats and demolish the building by the 18 August 2016. The developers have the option however, to re-submit with an application for two self - contained dwellings identical or similar to the application submitted for F/02453/12. In securing planning permission, the developers would be required to remove the internal room divisions and room uses associated with 14 self - contained flats and undertake and complete these changes by 18 August 2016.

3. Proposal

Planning permission is sought for the erection of a pair of semi - detached, self - contained two storey family dwellings with accommodation in the basement and roof space. The dwellings are situated within the established Nether Street building line and aim to reflect the size, massing and design principles already present in Nether Street.

In light of the fact that the existing buildings constructed on the site do not benefit from planning permission as they were constructed in breach of planning control and that an enforcement notice seeking their removal has been served, the semi-detached pair of dwellings proposed by this application have to be considered as being an entirely new form of development erected on the site. Although the principles underpinning the erection of two self - contained dwellings arranged as a semi -detached pair have already been established, they would need to be re-considered for this application. Should planning permission be granted, implementation of the planning permission would involve

alterations to the internal layout of the building and would involve the removal of the room and unit partitions and the removal of fitted kitchens and bathrooms.

The development is set back from the road and falls within the established building line within Nether Street accommodating a private garden to the rear and forecourt parking to the frontage and soft landscaping with new boundary fence treatment.

The dwellings would have a two storey bay window projection to the front elevation with a hipped roof above. Each of the two dwellings would have a rear dormer and a side dormer as well as rooflights to the front and rear. At the rear elevation, there would be a two storey rear extension at basement and ground floor as per the original planning application. The proposed layout would return to the last approved floor plan layout associated with F/02453/12 with playroom at the basement, living, kitchen and diner at the ground floor, two bedrooms at the first floor level and a bedroom in the roof space. The playrooms in the basement would look out into the basement excavation where the finished ground level would be 2.0m above the floor level of the basement lightwell. The lightwell would have a depth of 0.8m from the rear wall of the extension.

4. Public Consultation

Consultation letters were sent to 39 neighbouring properties.

24 responses have been received, comprising 24 letters of objection

The objections received can be summarised as follows:

- Imperative that the Council and residents receive assurances that developers will indeed return the two properties to stated design in the original planning application and that all steps are taken to visibly make two separate 3 bedroom family homes as soon as possible.
- There has been a blatant disregard for the planning law shown by the developers.
- The house has become an eyesore with its unfinished state. Everything should be done to ensure that the building work is finished to a standard that generally fits in with the developed housing on either side and presents a cohesive look on this road.
- The developer has a track record for flouting planning regulations and there is little confidence that planning permissions and conditions would be complied with.
- The properties should be returned to 2 properties as per the original planning application and the Council should enforce this.
- A condition should be imposed which would compel the developer to make these properties into two separate single homes.
- The permission should be conditional on the change back to individual family homes occurring within the period of the enforcement notice and not the normal standard time limit for planning applications.
- If the properties become available on the rental market, they should not be over populated with multiple families living in the premises.
- The restoration of the properties to two single dwellings would be in congruence with the adjoining and surrounding housing. The proposal should be rejected because it allows 2 units for multiple occupancy.
- The new planning application is not identical in all respects to the current approved scheme for the site.
- No place is provided for the storage of refuse and recyclables.

- The front forecourt areas should be subdivided rather than shared as should the rear gardens.
- A traditional front porch should form part of the application to enable the scheme to better respond to local design context.
- The current appearance of the site is detrimental to the streetscene and character of the site area as it is at odds with the established pattern of separate front gardens.

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 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, CS3, CS4, CS5, CS9, CS14
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM17

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:

- The public benefit that would be achieved through the rectification of a breach in planning control and the measures that would be put in place to ensure that the development is undertaken in accordance with approved plans.
- The acceptability of providing for additional housing.
- The benefit to the character and appearance of the area that would be achieved through securing a high quality landscaping scheme to the front garden areas.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would cause harm to existing highway conditions.

5.3 Assessment of proposals

Land use

The proposed development is considered to be compliant with national policy (NPPF), the London Plan, and local policy within the Local Plan. The general message of Section 6 of the NPPF 'Delivering a wide choice of high quality homes' advises that Local Planning Authorities should enable the provision of good quality new homes in suitable locations.

The development of two properties within the land to the front of Fursby House would complete and complement the streetscene, would not harm the contribution that the listed building of Fursby House to the rear of the site makes to the character and appearance of the area.

The application proposes the erection and provision of two semi-detached dwellings which would be occupied as family dwellings. The area in which the site is located, is on balance characterised by a predominance of family housing rather than flats.

The application site was previously occupied by a small outbuilding associated with Fursby House set back a considerable distance from the Nether Street frontage. The first scheme submitted and approved to infill the gap between 144 and 148 Nether Street was considered to be a sustainable approach to new residential development that would make a positive contribution to the character and appearance of the streetscene while simultaneously contributing to the Council's objective of delivering new housing during the local plan and London Plan period.

It is fully acknowledged that planning permission was previously granted for two dwellings on the site, and that implementation of the planning permission and construction resulted in the two dwellings being unlawfully used as an HMO and subsequently subdivided into fourteen self contained units in total.

Understandably, use of the property as both an HMO and as 14 self contained flats was out of character with the area which largely comprises family dwellings and also created significant amenity impacts for occupiers and adjoining neighbours. Planning enforcement procedures were implemented by way of the refusal of a planning application to prevent regularisation of this use and the subsequent service of an enforcement notice.

Design, character and appearance

The application proposes the erection of two semi-detached dwellings. A building already exists on the site, however, given that its subsequent and unlawful use was as 14 self contained flats, the building does not benefit from planning permission. The semi detached dwellings proposed within this application are fundamentally similar to the dwellings proposed within the planning permission F/02453/12 and what is currently on site.

The building is arranged over two storeys with accommodation also provided within the roof space and the basement. There is a front forecourt area which provides parking for one car and soft landscaping. Each property has a side dormer and a rear dormer and a two storey rear extension at basement and ground floor level with a shallow lightwell to the rear.

The proposed development would reflect the size, massing and design principles established within Nether Street. The elevation treatment comprises brick and render and avoids the use of mock tudor timber detailing on adjoining properties. The two storey rear projection complements the existing building. The presence of side and rear dormers on both properties generate a sense of balance within the streetscene. In respect of the height, design, size, scale and massing, this application sets out a building design that is identical to the building on site, and is roughly similar to the structures approved under F/02453/12.

Although the building was partially occupied, the external appearance did not accurately reflect the elevation details and site plans forming the basis of the previous planning consent. In addition, the building currently on site presents an incomplete appearance. The forecourt parking is not completely laid out, there are a substantial number of meter boxes, some of which have not been fitted safely. There is no means of enclosure around the site and there is no subdivision of the frontage to create two front gardens or two rear gardens. In addition, boundary treatment separating the properties to the access road to Fursby House is also currently undesirable due to the height of the boundary fence and the position of the gate relative to the front elevation and windows of the property.

This application proposes the removal of the meter boxes, re-location of the access gates, the erection of a means of enclosure to the site curtilage and the individual properties, the creation of soft landscaping and the sub-division of the rear garden.

Given the nature of this application, the similarity between the relevant policy considerations in place for both applications, and the similarities between the proposal and the development in place on site, it is considered that it would be unreasonable to refuse the application on design grounds.

Amenity

It is considered given the distance between the proposed building and No's. 144 & 148, it would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy to an unacceptable level. It is acknowledged that there is a side window to 144 Nether Street but following a site visit on 6 July 2012 this window was considered a window serving a staircase.

There is only a single side dormer window in each side elevation and these are considered to be acceptable. They would be located at a position where they would neither overlook windows in the flank elevation of neighbouring properties nor overlook rear gardens. The rear projection at ground floor extends by approximately 3.0m from the rear elevation of the dwellings which would accord with supplementary planning guidance. As a consequence, it is considered that the projection would not harm the receipt of daylight or sunlight to the neighbouring building and would not give rise to an undue sense of enclosure to these properties. The access road to Fursby House separates the application site to the neighbouring building at 148 Nether Street and as a result, it is considered that there would not be an unacceptable impact on the amenity of these occupiers.

The application site has adequate garden space of 85sq.m per garden which would meet the requirements set out in the London Plan and the Supplementary Planning Document (Residential Design Guidance). Each dwelling would have three bedrooms including one in the roof space. The basement would accommodate a play room which would receive light from full height doors opening up into a rear lightwell. This space would not constitute the principle habitable floorspace for the dwelling house and it would be acceptable for this space to be served by a level of outlook, daylight and sunlight that would be inferior to that which would be required to living rooms, dining rooms and bedrooms.

Sustainability

As the building has been constructed, it would not be possible to impose retrospectively requirements in relation to the reduction of Carbon Dioxide emissions in the context of the 2013 building regulations requirements. The proposed development has been constructed in accordance with the requirements of M4(2) in that the property has level access from the street with a toilet on the ground floor.

Highways

The proposal would retain a parking space in front of each property which would benefit from a shared crossover from Nether Street. This would be acceptable provision for the site and is equal to the level of provision associated with F/02453/12.

5.4 Response to Public Consultation

The application has been submitted and carries a description for the erection of a pair of semi detached dwellings on the basis that the existing dwellings on the site do not benefit from planning permission because of the unlawful use that was carried on inside of the property. This application does not propose the erection of any additional building but is a method to regularise and authorise a building and a use of the building as two dwellings. The result of granting planning permission would retain the building and facilitate its use as two single family dwelling houses. No new dwellings or buildings would be constructed, and subject to compliance with conditions requiring implementation by 18 August 2016, in conjunction with the pending requirements of the enforcement notice would result in the restoration of the intent of the original planning consent.

The concerns of local residents and objectors are noted and acknowledged. However, it is stressed that planning enforcement protocols have worked effectively in seeking to reverse the breach of planning control and an enforcement notice has been served. The inability of the developers to conform to the requirements of planning permission should not be held as a reason to refuse planning permission. This is not a material planning consideration and should not influence the decision making process in this application.

The intention of this application if granted and implemented is to override the existing unlawful situation and eliminate the impacts on occupier and neighbour amenity of the concentration of 14 units on the site. The scheme would also facilitate the implementation of the development in its entirety, particularly in relation to the front elevation and the front forecourt so that the building would avoid appearing as an incomplete form of development.

Space is being provided within the front garden for refuse storage, a means of enclosure would be erected around the site and would enclose the front gardens and rear gardens.

The boundary treatment enclosing the private access to Fursby House would also be relocated so that it would be more discreetly located behind the front elevation building line. The design of the buildings are contemporary in appearance and avoid original architectural detailing found throughout the street and the introduction of traditional porches to match properties within the street would not necessarily be appropriate.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken into account all the material considerations associated with this development, including the planning history, representations received and the site and surroundings, it is considered that the proposed development would be acceptable.

The proposed development would result in the retention of the existing buildings, the introduction of an acceptable use as two single dwelling houses and would result in the termination of the unlawful building and use on the site. The scheme would also result in the completion of and implementation of the development resulting in the garden areas and boundaries being completed.

The proposed development would reduce the impact on occupier and neighbour amenity, creating a more cohesive form of development within the streetscene. The retention of and the use of the building as two semi detached dwellings would not have a harmful impact on residential amenity in general.

The application is considered to comply with National, London Plan and Council policies and guidelines. The proposal is recommended for approval subject to conditions.



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Location **706 High Road London N12 9QL**

Reference: **15/06414/FUL**

Received: 19th October 2015

Accepted: 21st October 2015

Ward: Woodhouse

Expiry 20th January 2016

Applicant:

Proposal: Conversion from D2 (Leisure) use to C3 (Residential) use at First and Second Floors and creation of additional storey to facilitate 21 no. self-contained flats including Cycle and Refuse Storage

AGENDA ITEM 15

Recommendation: Delegate authority to grant conditional Planning Permission subject to completion of S106 agreement and no new issues being raised following extended consultation period.

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 3. Review Mechanism to capture uplift in sales recorded on Land Registry.
4. A contribution towards the amendment to the Traffic Order to facilitate the car free development - £2000
5. Monitoring of the Agreement - £1,000

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

698-GE01-A-P8

698-GE01-B-P8

698-GE02-P8

698-GE03-P9
698-GE04-P8

698-GA00-P3
698-GA01-P9
698-GA02-P9
698-GA03-P7
698-GARf-P6

698-GS01-P6
698-S01-P1
698-S02-P6
698-S03-P1

Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies 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 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 2015.

4 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

5 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).

6 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;

x. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed 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), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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.

11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the

development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

13 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with details submitted with the Planning Application.

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

14

15 a) No development shall take place until a scheme of hard and soft landscaping to the flat roof and balcony areas, including 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 2015.

16 a) Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 110 litres (including a fixed factor of water for outdoor use of 5 litres/ person/ day) of water is consumed per person per day. The development shall be maintained as such in perpetuity thereafter.

b) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The 2no. wheelchair accessible units shall achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (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.

c) 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 40% 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 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). To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012). 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).

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10/05/2016 unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The application does not make any provision towards on-site affordable housing, contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

Insufficient car parking is provided which would be likely to lead to overspill of parking contributing to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (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 and the Applicant engaged with this prior to the submissions of this application. 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 £16,520.00 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 £63,720.00 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.

- 3 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Informative: The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

The applicant is advised that A1000 High Road N12 is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The

construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

The applicant is advised that Highways Licensing Team must be contacted to apply for an work affecting public highway such as provision of a temporary crossover, site hoarding, erecting of any scaffolding etc. An estimate for this license can be obtained from the Highways Licensing Team, London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The site comprises a three-storey building located on the corner of the High Road and Castle Road, North Finchley.

The building consists of a render and glass Art Deco style front and partial side façade to the street elevations.

The site is located within the primary retail frontage of North Finchley Town Centre.

To the north and south of the site are commercial premises with residential units above. To the north the buildings are three storey with mansard style roof. To the south these are three storeys but lower in height than the building on site.

2. Site History

C00469Z/00 - Change of use of part of ground floor, first floor and second floor from retail (class A1) to Health Club (class D2). - Refused - 05.08.2002

C00469AB/01 - Change of use of part ground, first and second floors from retail (Class A1) to health and fitness club (Class D2). - Approved Subject to Legal Agreement for CCTV cameras - 20.06.2002

3. Proposal

The proposals are for the conversion from D2 (Leisure) use to C3 (Residential) use at First and Second Floors and creation of additional storey to facilitate 21 no. self-contained flats including Cycle and Refuse Storage.

The proposals involve the conversion of the existing upper floors of the building from a gym to 21 self-contained flats and the extension to create a glazed additional storey.

The proposals would involve the creation of a new entrance to the upper flats through the main façade of the building.

Refuse storage would be located to the side of the building nearest Castle Road.

4. Public Consultation

Consultation letters were sent to 546 neighbouring properties.

141 responses have been received, comprising 141 letters of objection, including a petition against the development has been submitted with 121 signatories.

A site and press notice were advertised on 29/10/2015.

Due to an administrative error the description of development initially advertised referred to C1 use class in error. This has been corrected and additional letters sent to residents. Given that this is a typographical error and the description makes it clear that the development is for self-contained flats officers consider it reasonable for the application to be presented to the area planning committee, with delegated authority to determine the

application, provided that no new material planning issues are raised that have not been addressed in this report. Should any new grounds for objection in any further comments be raised, then these will be reported again to the committee.

The additional letters were sent on 01/03/2016 with a deadline of 22/03/2016 for further comments.

The objections received can be summarised as follows:

Principle of Development

Loss of the gym, has enough effort been made to attract another leisure investor.
Pressure on schools and GPs would be too great.
Increased domestic waste

Overlooking/loss of privacy

Unfair to permit balconies on properties that will overlook private gardens.

The roof terrace will in future become a contentious noise pollution issue when residents start using these areas for late-night social activities.

Overshadowing/loss of light

The addition of an extra floor making the building taller will reduce light reaching house and garden.

Will be particularly noticeable in the afternoons, and evenings in the summer, when the sun will be behind the building.

The new building will cast my home and garden in shadow.

Traffic/parking generation.

There is no allocated parking.

The car park in Castle Road now only has 16 non permit places. The car park on Castle Road has an 8am paid restriction

We purchase a residents permit but at busy times, are often forced to drive round surrounding roads to find a place to park. we were sometimes forced into the car park, at additional cost to ourselves, but now even that is full.

Residents are to be offered membership to a car sharing club. This will undoubtedly add to the general parking congestion in the area.

It is suggested that there is spare capacity in the car park on Castle Road. The parking Beat survey for the Castle Road car park was carried out in the early hours of the morning. This is very misleading as the majority of parking in this car park is during the day.

Any inspection after 6pm on a weekday will confirm this as there isn't anywhere to park even on single yellow restrictions

Safety - Recently a lorry failed to make the turn at the junction of Lambert and Castle and did serious damage to a car parked in a residents' bay. Any additional pressure on parking (and even if not given permits, the residents would be likely to want deliveries etc) is likely to lead to worse incidents.

Character and Appearance

Oppose the height of the application.

An objection from the Finchley Society has been received on the following grounds:

This development seems to use all the floor space for the flats. The density of accommodation on the floor space available is made worse because there is little or virtually no amenity space for residents. The comments of the Planning Inspector on the lack of amenities in his report on the Furnitureland development is a good precedent here.

I also find that no great effort has been made to provide at least some affordable homes in this development.

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.

The following policies are considered relevant:

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities
 Policy 3.3 Increasing housing supply
 Policy 3.4 Optimising housing potential
 Policy 3.5 Quality and design of housing developments
 Policy 3.6 Children and young people's play and informal recreation facilities
 Policy 3.8 Housing choice
 Policy 3.9 Mixed and balanced communities
 Policy 3.10 Definition of affordable housing
 Policy 3.11 Affordable housing targets
 Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 Policy 3.13 Affordable housing thresholds
 Policy 3.16 Protection and enhancement of social infrastructure
 Policy 3.19 Sports facilities
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.10 Urban greening
 Policy 5.13 Sustainable drainage
 Policy 6.3 Assessing effects of development on transport capacity
 Policy 6.7 Better streets and surface transport
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.12 Road network capacity
 Policy 6.13 Parking
 Policy 7.1 Lifetime neighbourhoods
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.6 Architecture
 Policy 7.14 Improving air quality
 Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

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, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM13, DM16, DM17

Policy CS1 The council, along with its partners, will focus major housing and economic growth in the most suitable locations and manage it to ensure that we deliver sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live work and visit. An appropriate level of transport provision will be provided as the regeneration schemes roll out. We will seek the highest standards of urban design in order to generate development proposals of landmark quality and create an accessible safe and attractive environment for people who live in, work in or visit Barnet's areas of housing and economic growth.

Policy CS3 On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26....Our strategic approach on further development opportunity sites will be set within the context of the density matrix in the London Plan. We will seek to optimise rather than simply maximise housing density to reflect local context, public transport accessibility and provision of social infrastructure.

Policy CS4 We will aim to create successful communities in Barnet by:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide

choice for all households and enable Barnet residents to progress on a housing journey that

can meet the aspirations of home ownership.

- seeking a range of dwelling sizes and types of housing including family and lifetime homes

that meets our identified housing priorities and does not undermine suburban character or local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.

- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.

- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

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

Policy CS8 The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement...requiring major developments to provide financial contributions and to deliver employment and training initiatives in consultation with the Skills Development and Employability Group

Policy CS9 We will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS11 We will improve health and well-being in Barnet....ensuring that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet, or its successor bodies, and the council's Adult Social Services

Policy CS12 We will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together

Policy CS13 We will seek to minimise Barnet's contribution to climate change and ensure that through the efficient use of natural resources the borough develops in a way which respects environmental limits and improves quality of life.

Policy CS14 We will encourage sustainable waste management...requiring developments to provide waste and recycling facilities which fit current and future collection practices and targets.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM08, DM16, DM17.

Policy DM01 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.

Policy DM03 Development proposals should meet the highest standards of accessible and inclusive design

Policy DM04 All major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy.

* Development proposals will ensure that

development is not contributing to poor air quality and provide air quality assessments where appropriate.

* Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off.

Policy DM06 All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.

Policy DM07 Loss of residential accommodation will not be permitted unless:

a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;

b. where need can be demonstrated and;

c. the demand for the proposed use cannot

adequately be met elsewhere and is in line with other policies

Policy DM08 Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

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

Policy DM11 states that the council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

Policy DM16 When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity

Policy DM17 The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

Residential development may be acceptable:

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

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 2013)

Planning Obligations SPD

Affordable Housing SPD

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development would be acceptable.
- Whether the proposed development would make adequate provision for affordable housing.
- 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 and future residents.
- Whether the proposals would have a harmful impact on highway and pedestrian safety
- Whether the development makes adequate provision for security
- Sustainability/ Environmental Issues
- Section 106 Issues

5.3 Assessment of proposals

Whether the principle of the development would be acceptable.

Land Use

The proposals involve the conversion of a vacant gym building to form residential accommodation.

Policy DM13 refers to the loss of community facilities. The core strategy states that community facilities would encompass 'Libraries, Arts and Exhibition Spaces, Community Centres, Youth Provision, Religious Facilities, Other Facilities'.

It is suggested that a gym would be more accurately described as a leisure or sports facility.

Policy CS7 refers to sports uses in the context of open spaces. This is not applicable given the nature of the site as a gym.

Policy 3.16 of the London Plan states that *Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.*

The existing gym could be considered to be social infrastructure and therefore the loss of it needs to be assessed against the policy.

Policy 3.19 of the London Plan states that *Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted*

The gym could be considered to be a sports facility. Therefore it needs to be considered whether the loss of this is acceptable.

Other gyms in the vicinity exist at PureGym North Finchley (Tally Ho Corner) and David Lloyd (Finchley Lido).

The applicant advises that previous gym operators Fitness First and Fitness exchange both ceased operating to lack of demand and viability.

It is considered that there are other gym facilities available within North Finchley town centre and nearby which could be considered to cater for demand within the locality.

The principle of residential accommodation to meet known demand within the area would be acceptable if the loss of the gym is accepted. The loss of the gym needs to be weighed up against the benefits of bringing the site into residential use. Furthermore, the proposals would bring an existing vacant building into use within North Finchley Town Centre.

Impact on North Finchley Town Centre

The site is located within the primary retail frontage of North Finchley Town Centre.

Policy DM11 states that *'Appropriate mixed use re-development will be expected to provide re-provision of employment use, residential and community use.'*

It is acknowledged that the gym use would have generated a certain amount of footfall within the town centre. However, the proposals would retain the retail uses at ground floor and bring residential use at upper floors at an appropriate density.

It is considered that the proposals would have an acceptable impact on the vitality and viability of the North Finchley Town Centre. Residential flats are considered appropriate uses as there is demand for smaller units especially within town centres.

Housing Mix

The proposals would provide the following mix of units:

2 x studio flats
4 x 1bed flats
15 x 2bed flats

Policy DM08 states that highest demand within the borough is for family sized units. Nevertheless there is demand for smaller units especially within town centre areas such as this. It is therefore considered that the mix of units is appropriate for a town centre site.

Density

- The proposals would appear to comply with density standards in the Mayor's London plan. The site is located in an urban area and is located in an area of PTAL rating 4. The London Plan advises that development should be at 200-700 units/hectare. The proposals appear to be at 233 units/hectare.

- Whether the proposed development would make adequate provision for affordable housing.

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

The applicant has submitted a viability appraisal in support of the planning application. This has independently been reviewed by Deloitte who conclude that the proposed scheme is unable to viably provide any affordable housing. Deloitte recommend that a review mechanism is attached in order to ensure that any uplift in value is captured.

Subject to a legal agreement in order to secure the review mechanism, it is considered that the proposals would provide the maximum reasonable amount of affordable housing

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

Layout

The proposed conversion would largely make use of the existing shape of the building.

A new residential entrance would be created at ground floor, recessed behind the entrances to the shop units.

The proposals would also involve the creation of a bin storage enclosure to the side facing Castle Road. Whilst the principle of building in this area is considered acceptable (It is currently within the area of external staircases), it is considered important that such a feature is enclosed so that it integrates within the main building.

Scale and Massing

The existing building with its art deco style facade is notable within the town centre, though the rear and north side elevations are brick and lack visual interest.

The proposals would increase the massing of the building somewhat by adding a proposed glazed roof level.

The proposed roof level would be set in on all sides so that it appears subordinate to the main building. It would be set in 3.2m from Castle Road and 2.2m from 702 High Road to the south. The rear extent of the roof would be set back 2.8m from the rear wall of the building. The rear of the building is visible from Lambert Way, which is a service road which serves the rear of commercial premises on the High Road.

The heights of buildings on the parade to the south are lower but the proposals would step up to the corner which is considered an acceptable feature within the street. The buildings to the north are three storey with mansard style roof, which would be of comparable scale to that proposed.

Given the relatively small size of the extension and its subordinate nature in relation to the main building it is not considered that it would appear out of scale within the local area and streetscene.

External Appearance and Design

The proposed roof level extension would consist of a glazed structure reflecting the design of the existing building and its articulation. The existing building is of art deco style design and has protruding rivets that give the building a strong vertical emphasis. The bars to the proposed glazed level would reflect this to help the building tie into the main building.

The north and east elevations are currently brick with black metal external staircases. The proposals would provide scope to improve the visual appearance of the building but introducing fenestration to the east and north.

It is anticipated that some plant machinery may be necessary at roof level and a condition is attached to secure these details. However the applicant advises that this will be minimised.

It is considered that the proposals would have an acceptable impact on the character and appearance of the streetscene and improve the appearance of the existing building.

Landscaping

Given the built up nature of the site, scope to provide soft landscaping is limited. Some greenery could be provided to the front balcony areas and a condition is suggested in order to secure details of this.

Whether harm would be caused to the living conditions of neighbouring and future residents.

Neighbouring Amenity

Daylight/Sunlight

The applicant has submitted a daylight and sunlight report in support of the planning application.

This assesses the impact of the proposals on no.710 High Road, of which the upper floors are in use as flats. The assessment shows that there would be no materially harmful impact on the residents of this property in terms of loss of daylight or sunlight.

To the north-east of the site is no.1 Castle Road. The assessment also shows that there would be no harmful impact on this property.

It should be noted that the flats above 698-702 High Road are located to the south of the site. As such, they are unlikely to be affected in terms of sunlight and daylight.

The proposals would make use of the existing footprint of the building, and would not increase this.

Given the relatively limited projection above the size and siting existing building, as well as the distance from the rear windows and gardens of properties on Lambert Road, it is not considered that harmful overshadowing or loss of light would result.

Visual Impact

The proposals involve the renovation, conversion and extension of the site property. There would be a minimum distance of 19m between the rear windows of the building and the nearest part of the gardens of houses on Lambert Road.

There would be a minimum distance of 36m between the rear windows of the building and the nearest facing windows of houses on Lambert Road.

Furthermore the top floor extension would be set in a further 2.8m. Given the distance of the building as extended from the rear windows and gardens of properties on Lambert Road, it is not considered that the proposed extension at a height of 2.6m would cause material harm in terms of appearing overbearing or causing loss of outlook.

The top floor would be set in from the side facing Castle Road by 3.2m. Taking this into account it is not considered it would cause loss of outlook to facing windows at 710 High Road.

To the south of the site is 698-702 High Road. This property appears to have formerly been a public house that has been converted, with the top floor being in residential use, it is assumed that it was previously a staff flat. This property is located adjacent to the site. It has outlook to the front and rear, though rear windows appear to be barred it appears this is in residential use. There is currently a wall running some 2-3m above the ground level of this property. The proposed roof level would sit above this but it would be set approximately 2.2m away from the boundary. Given the set back it is not considered that

the proposed extension would appear overbearing or cause harmful loss of outlook to this property.

Further to the south are maisonettes located above commercial premises at 690A-698A High Road. These have windows at first and second floor levels facing rearward. These are located sufficient distance from the site to ensure that there is no harmful loss of outlook.

Privacy

The rear windows of the building would be located approximately 19m from the rear of the nearest directly facing garden to houses on Lambert Road, and approximately 36m from the nearest rear window. Furthermore the top floor extension would be set in a further 2.8m.

There are single storey commercial premises within the service road area.

The supplementary Planning Document – Residential Design Guidance states that there should be a distance of 21m to neighbouring windows to avoid direct overlooking, and a distance of 10.5m to neighbouring gardens. The development would significantly exceed these distances.

The proposed development would have windows on the flank elevation facing 710 High Road. This property has flats above the ground floor use. The applicant has made amendments to the windows and balconies facing onto Castle Road so that these would be inset, and generally balconies are not located opposite the neighbouring windows. As a result these distances are approximately 16.5m. Taking into account that any views are across the street, and that the site is located within a town centre where mutual overlooking is more accepted. It is therefore not considered that harmful overlooking would result.

It is not considered that there would be overlooking from the front windows of the building across High Road.

Given the difference in levels and wall running alongside the former staff flat at 702 High Road it is not considered that overlooking would result.

Noise/Disturbance

The proposals involve the conversion of gym to residential accommodation.

The previous planning permission for the gym was subject to an hours of use condition from 6.30am to 11pm. The proposals would involve conversion to 21 flats. It is considered that, whilst the proposals may result in some increased noise after 11pm this is unlikely to be material given the wider noise climate. The previous use as a gym during opening hours would have been likely to generate more noise and disturbance than the proposed use.

Furthermore, the site is located within a town centre, would be at an appropriate density. It is not considered that the proposals would result in harmful noise and disturbance from associated general activity, pedestrian movements, and noise from open windows in summer months.

Future Amenity

Daylight/Outlook

The proposed development would feature some single aspect units however these would not be north facing. It is considered that the proposals would provide an acceptable level of outlook and daylight for future residents.

Privacy

The scheme features a courtyard area. In order to prevent overlooking between the units, the scheme features louvered blades and the applicant has removed balconies from one side of the courtyard. It is considered that this would prevent harmful overlooking.

Noise/Disturbance

It is noted that the site backs on to commercial premises on Lambert Way. Some of these have potential to cause pollution and disturbance. Environmental Health officers have looked at the proposals and consider that the proposal and mechanical ventilation to all units fronting Lambert Way and acoustic trickle vents to the units facing the High Road would be adequate enough to address our raised concerns.

Internal Space

The units would have the following sizes:

First Floor

2 bedroom unit – 75.9 sq m
Studio - 42.4 sq m
2 bedroom unit – 73.9 sq m
2 bedroom unit – 79.9 sq m
2 bedroom unit – 76.5 sq m
1 bedroom unit – 54.6 sq m
2 bedroom unit – 83.5 sq m
2 bedroom duplex – 81.8 sq m
2 bedroom duplex – 84.5 sq m

Second Floor

2 bedroom unit – 85.1 sq m
Studio - 38.7 sq m
2 bedroom unit – 69.7 sq m
2 bedroom unit – 79.9 sq m
2 bedroom unit – 76.5 sq m
1 bedroom unit – 54.6 sq m
2 bedroom unit – 71.0 sq m

Third Floor

1 bedroom unit – 53.3 sq m
1 bedroom unit – 51.6 sq m
2 bedroom unit – 72.0 sq m
2 bedroom unit – 78.8 sq m

2 bedroom unit – 94.4 sq m

The units would all comply with London Plan standards and in some cases would significantly exceed these.

External Space

The site is located within a town centre.

The Supplementary Planning Document on Sustainable Design and Construction states that: *'In town centres and for some higher density schemes including tall buildings it may not be feasible for development to provide adequate private or communal outdoor amenity space.'*

Appropriate amenity space needs to be accommodated on site. Normally this would need to be 5 square metres per habitable room for flats. This would necessitate provision of 380 square metres of amenity space. The proposals would not meet these requirements as 228 sq m is provided. It is recognised that the site is a town centre location. Measures provided include a mixture of balconies and winter gardens. Oversized units have also been incorporated to help alleviate the pressure upon amenity space requirements.

The majority of the units would have access to balcony amenity space. The SPD states that balconies should provide privacy from neighbouring properties. This objective can be achieved by using screens or by setting the balcony back within the façade. The applicant has integrated this into the proposed design. It is recognised that in closely spaced town centres such as this there is a balance to be struck between providing suitable amenity space and preventing harmful overlooking.

Given the town centre location and constraints for providing amenity space on site the proposed provision would be considered acceptable.

Playspace

Policy 3.6 of the Mayor's London Plan states that *'development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation sets out guidance to assist in this process.'*

According to guidance the proposals would need to make provision for 16.1 sq m of playspace. Given the nature of the development, consisting mostly of 1 and 2 bedroom units it is considered that the scope for this is limited.

Whether the proposals would have a harmful impact on highway and pedestrian safety

The site is located on High Road at its junction with Castle Road N12.

The proposal is for the conversion of the D2 use and creation of additional storey to provide 21 residential units comprising 6x 1bedroom units and 15x2bedroom units. The existing site does not provide on-site parking. No parking spaces are being provided.

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

parking provision at the higher end of the council's parking policy range would be required. The PTAL Score for the site is calculated as between 3 and 4 which is considered as medium to good accessibility.

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

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

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

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

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

06x1b = a range of (0.0 - 1.0) = 00.00 – 06.00 parking spaces required

15x2b = a range of (1.0 - 1.5) = 15.00 – 22.50 parking spaces required

This equates to a range of parking provision of between 15 to 28.5 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies DM17.

The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) i.e. 1a or 1b for the site. As the PTAL rating for the site is 3/4 the parking provision is calculated as approximately 18 to 20 parking spaces which would need to be provided to meet the parking standards.

A car free development is proposed therefore no car parking is provided on site.

Policy DM17 states that *Residential development may be acceptable with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.*

The applicant has provided a Transport Statement in an attempt to demonstrate that the development would have an acceptable impact on highway safety.

The Transport Statement submitted with the planning application has included a parking beat survey of the area within the walking distance of the site. The survey indicated that approximately 10 to 11 free spaces were available within the CPZ parking bays on the 2 days of survey and additional 67 to 69 parking spaces were available in the non-CPZ parking areas such as single yellows lines and pay and display bays.

The Statement also refers to additional permit holder parking being available in the Castle car park. However, the permit parking in the Castle Car Park is on available to business permit holder only.

Taking into Consideration the following:

- * The proposal is for conversion;
- * The site is located within a town centre;
- * The site is within an All Day CPZ;
- * The PTAL rating for the site is close to 4;

Residents have raised concerns that outside the CPZ hours there would be increased pressure on the existing residents bays which could lead to cars waiting and manoeuvring to use these spaces. Given that the CPZ operates from Monday-Saturday at 9am-5pm, it

is not envisaged that residents of the new development could continually manage parking without a parking permit; and therefore they are unlikely to own a car and create competition for parking spaces within a CPZ outside the CPZ hours.

Provided a S106 Agreement is in place to restrict the occupiers of the new development from purchasing CPZ permits, the car free development is acceptable on highway grounds. A contribution of £2000 would be required towards the amendment to the Traffic Order to facilitate the car free development.

Cycle Parking

38 cycle parking spaces are provided within the development, and this is considered acceptable.

Whether the development makes adequate provision for security

The Metropolitan Police Crime Prevention Design Advisor has been consulted on the proposals and have not expressed any objection to the proposals.

Sustainability/ Environmental Issues

Drainage

The proposals would be required to provide a drainage strategy to ensure that the development complies with policy 5.13 of the London Plan.

Environmental Performance

The applicant has provided a Sustainable Design and Construction Statement, and Energy Statement. These state that the development would achieve 35% reduction above the Building Regulations 2013.

The proposals would therefore comply with policy 5.2 of the Mayor's London Plan.

The development will be required to comply with part M4(2) of the building regulations and provide 10% (2) wheelchair accessible or adaptable units.

- Section 106 Issues

The proposed scheme would be liable to provide towards Barnet and Mayoral Community Infrastructure Levy, based on the area of the new building.

This would be charged at £35 per square metre in relation to Mayoral CiL and £135 per square metre in relation to Barnet CiL.

A contribution towards amending the traffic order to prevent residents from obtaining parking permits are also sought.

5.4 Response to Public Consultation

Principle of Development

Loss of the gym, has enough effort been made to attract another leisure investor. –
Addressed in main report

Pressure on schools and GPs would be too great. – *The proposals would be required to make provision towards Community Infrastructure Levy which would contribute to this.*
Increased domestic waste – *The proposals make adequate provision for refuse and recycling*

Overlooking/loss of privacy

Unfair to permit balconies on properties that will overlook private gardens. – *The balconies on the rear of the building have been removed*

The roof terrace will in future become a contentious noise pollution issue when residents start using these areas for late-night social activities. *It is not envisaged that the remaining balcony areas or windows will result in harmful noise or disturbance*

Overshadowing/loss of light

The addition of an extra floor making the building taller will reduce light reaching house and garden. *Addressed in main report*

Will be particularly noticeable in the afternoons, and evenings in the summer, when the sun will be behind the building. *Addressed in main report*

The new building will cast my home and garden in shadow. *Addressed in main report*

Traffic/parking generation.

There is no allocated parking. *Addressed in main report*

The car park in Castle Road now only has 16 non permit places. The car park on Castle Road has an 8am paid restriction *Addressed in main report*

We purchase a residents permit but at busy times, are often forced to drive round surrounding roads to find a place to park. we were sometimes forced into the car park, at additional cost to ourselves, but now even that is full. *Addressed in main report*

Residents are to be offered membership to a car sharing club. This will undoubtedly add to the general parking congestion in the area. *Addressed in main report*

It is suggested that there is spare capacity in the car park on Castle Road. The parking Beat survey for the Castle Road car park was carried out in the early hours of the morning. This is very misleading as the majority of parking in this car park is during the day. *Addressed in main report*

Any inspection after 6pm on a weekday will confirm this as there isn't anywhere to park even on single yellow restrictions *Addressed in main report*

Safety - Recently a lorry failed to make the turn at the junction of Lambert and Castle and did serious damage to a car parked in a residents' bay. Any additional pressure on parking (and even if not given permits, the residents would be likely to want deliveries etc) is likely to lead to worse incidents. *Addressed in main report*

Character and Appearance

Oppose the height of the application. – *Addressed in main report*

The Furnitureland development is not considered comparable to the site, as that is located outside a town centre.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

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

For the purposes of this obligation the term "protected characteristic" includes:

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

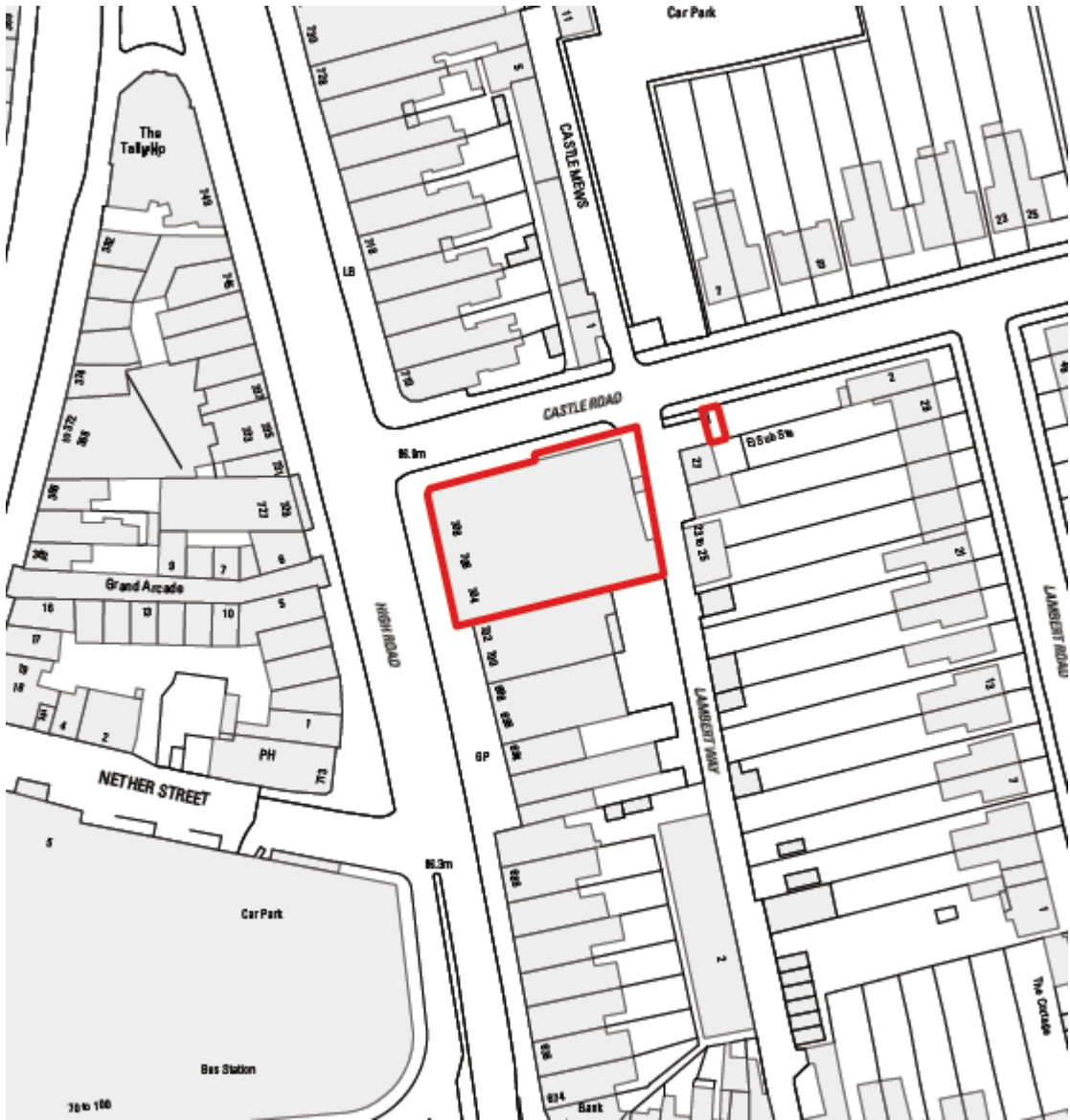
Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide additional residential accommodation. This would include wheelchair adaptable/accessible units and so adequately cater for residents with disabilities.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

7. Conclusion

The proposals would result in the loss of a former gym. It is considered that whilst this could be considered to be contrary to policy 3.19 of the London Plan alternative facilities exist within the locality. Furthermore the proposals would deliver needed housing units within a sustainable town centre location. The proposal is generally considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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