

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 20 JULY 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor John Marshall

Councillor Melvin Cohen Councillor Arjun Mittra Councillor Shimon Ryde
Councillor Jim Tierney Councillor Alan Schneiderman

Substitute Members

Councillor Ross Houston Councillor Graham Old Councillor Reuben Thompstone
Councillor Anne Hutton Councillor Alon Or-Bach Councillor Gabriel Rozenberg
Councillor Jack Cohen

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

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

Andrew Charlwood – Head of Governance

Governance Service contact: Sarah Koniarski sarah.koniarski@barnet.gov.uk 020 8359 7574

Media Relations contact: Sue Cocker sue.cocker@barnet.gov.uk 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of Last Meeting	1 - 14
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Childs Hill Ward	
6.	6 Beechworth Close, London NW3 7UT	15 - 32
7.	31A The Park, London NW11 7ST	33 - 48
8.	42 West Heath Drive, London NW11 7QH	49 - 56
	Golders Green Ward	
9.	16 and 18 Oakfields Road, London NW11 0HY	57 - 64
	West Finchley Ward	
10.	14 Grosvenor Road, London N3 1EX	65 - 78
11.	104 Nether Street, London N12 8EU	79 - 84
12.	Finchley Police Station, 193 Ballards Lane, London N3 1LZ	85 - 112
	Finchley Church End Ward	
13.	102 Holders Hill Road, London NW4 1LL	113 - 122
14.	Any Item(s) the Chairman Decides are Urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

15 June 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Shimon Ryde
Councillor Arjun Mittra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Jim Tierney

1. MINUTES OF LAST MEETING

RESOLVED – The minutes of the meeting held on the 10th of May 2016 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

The following interests were declared:

Councillor	Item(s)	Nature of Interest	Details
Shimon Ryde	15 & 16	Non-pecuniary	That the councillor has an association to the applicants of both items.
Alan Schneiderman	19	Non-pecuniary	That the councillor lives on Cheviot Gardens.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM

The committee noted the information provided in the addendum.

6. 31A THE PARK LONDON NW11 7ST - 16/2895/FUL

Officers withdrew the item from the agenda so that the residents can be re-consulted on the Highways Assessment and Revised Plan, which were received after the committee report was written.

7. PWETERERS COURT, RECTORY CLOSE, LONDON, N3 1TP - 16/TPO/004

The Planning Officer introduced the application.

Following discussion of the item, Councillor Eva Greenspan moved a motion to approve the item, as per the officers' recommendation, which was seconded by Councillor Jim Tierney.

The committee unanimously agreed the motion.

The committee therefore **RESOLVED to APPROVE the application as per the officers' recommendation.**

8. 40 FINCHLEY PARK LONDON N12 9JN - 16/0114/HSE

The Planning Officer introduced the application.

An oral representation was heard from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved a motion to approve the item, as per the officers' recommendation, which was seconded by Councillor Alan Schneiderman.

The committee unanimously agreed the motion.

The committee therefore **RESOLVED to APPROVE the application as per the officers' recommendation.**

9. TUDOR COURT, 2 CREWYS ROAD, LONDON NW2 2AA - 16/0639/FUL

The Planning Officer introduced the item.

Following discussion of the item, Councillor Eva Greenspan moved a motion to refuse the item, being a reversal of the officers' recommendation, on the following grounds:

- The proposed additional storey to the existing development would by reason of its size, bulk, design and proximity to Flats 17 & 18 Goldfinch Court, 713A Finchley Road be overbearing, visually obtrusive and result in a loss of outlook detrimental to the residential amenities of the occupiers of these units contrary to policies 3.5 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2013).

The motion was seconded by Councillor Shimon Ryde.

The committee unanimously agreed the motion to refuse the application.

The committee therefore **RESOLVED to REFUSE the application on the grounds as presented above.**

Add Informatives:

1. The plans accompanying this application are:
Site Location Plan; PL-301; PL-302 Rev A; PL-303; PL-304; PL-305; PL-306; PL- 307; PL-308;
PL-309; PL-310; PL-312; PL-313; PL-314; PL-315 Rev A; PL-316; PL- 317; PL-318; PL-319;
PL-320; PL-321; PL-322; Design and Access; Daylight / Sunlight report

2. In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions.

To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

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

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy. Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations. If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

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 Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

Please visit:

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

10. 22 BROOKSIDE ROAD LONDON NW11 9NE - 15/07562/HSE

The Planning Officer introduced the item.

Oral representations were heard from Ms Ida Newman, who objected to the application, and from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved a motion to refuse the application, as per the officers' recommendation. The motion was not seconded, and therefore fell.

Councillor Melvin Cohen subsequently moved a motion to approve the application (subject to conditions) in view of the personal circumstances of the applicant, which the committee had been informed of.

The motion was seconded by Councillor Shimon Ryde.

Votes on the motion to approve the application were recorded as follows:

For	4*
Against	3
Abstain	0

*The Chairman used her casting vote in favour of the motion to approve the application.

The committee therefore **RESOLVED to APPROVE the application on the grounds as presented above, and subject to the following conditions and informative:**

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

Site Location Plan; Drawing No. BR – 22 ; Drawing No. BR – 221; Drawing No. BR - 222D [Received 08 June 2016]

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. 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).

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extensions hereby approved, facing 22 Brookside Road and 26 Brookside 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).

Informative:

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.

11. 38 INGLEWAY, LONDON, N12 0QN - 16/1660/HSE

The Planning Officer introduced the application.

An oral representation was heard from Councillor Anne Hutton in her capacity as ward councillor.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	6
Against	1
Abstain	0

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations.**

12. 31 ABBOTS GARDENS LONDON N2 0JG - 16/1990/FUL

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

An oral representation was heard from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor Arjun Mittra.

The committee unanimously agreed the motion.

The committee therefore **RESOLVED to APPROVE the application as per the officer's report.**

13. WHITE LODGE, THE VALE CHILDS HILL, LONDON NW11 8ST - 16/1235/FUL

The Planning Officer introduced the item.

Oral representations were heard from Ms Maria Kyriakides and Mr David Bendor, who objected to the application, and from the applicant's agent.

Councillor Peter Zinkin spoke in his capacity as a ward councillor in favour of the application.

Following discussion of the item, Councillor Eva Greenspan moved a motion to refuse the application, as per the officers' recommendation. The motion was seconded by Councillor Arjun Mittra.

Votes on the motion to refuse the application were recorded as follows:

For	4*
Against	3
Abstain	0

*The Chairman used her casting vote in favour of the motion to refuse the application.

The committee therefore **RESOLVED to REFUSE the application as per the reasons presented in the officers' report.**

14. GLOUCESTER COURT GOLDERS GREEN ROAD LONDON NW11 9AA - 16/1936/FUL

Councillor Shimon Ryde excluded himself for the item due to the interest he declared at the beginning of the meeting.

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

Oral representations were heard from Mr Simon Birnbaum and Ms Susan Bimbaum, who objected to the application, and from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	3
Against	2
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's report and information provided in the addendum.**

15. 16 AND 18 OAKFIELDS ROAD LONDON NW11 0HY - 16/1994/S73

Councillor Shimon Ryde excluded himself for the item due to the interest he declared at the beginning of the meeting.

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

Oral representations were heard from Mr Stephanie Hall, who objected on behalf of Mrs Estee Stimier, and the applicant.

Following discussion of the item, Councillor Eva Greenspan moved to defer the item in order to request the applicant to submit an amended site plan showing the correct curtilage of the application site.

The motion was seconded by Councillor John Marshall.

The committee therefore unanimously agreed to defer the item on the reasons presented above, and further agreed that they would arrange a site visit to number 20 before next determining the application.

16. 19 DECOY AVENUE LONDON NW11 0ES - 16/2460/HSE

The Planning Officer introduced the application.

Oral representations were heard from Dr Anthony Isaacs, who objected to the application, from the applicant's representative.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	4
Against	2
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's report.**

17. 87 BRIDGE LANE LONDON NW11 0EE - 16/1899/FUL

The Planning Officer introduced the item.

Oral representations were heard from Mr Barry Greenby, who objected to the application, and from the applicant's representative.

Following discussion of the item, Councillor Eva Greenspan moved a motion to approve the application, as per the officers' recommendation. The motion was seconded by Councillor Marshall.

Votes on the motion to approve the application were recorded as follows:

For	3
Against	4
Abstain	0

The motion therefore fell.

Subsequently, Councillor Eva Greenspan moved to refuse the application on the following grounds:

- The proposed development, by reason of the number of units proposed and associated general activity, would represent an over-intensive use of the site which would detract from the established character and appearance of the area consisting of predominantly single family housing contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

The motion was seconded by Councillor Shimon Ryde.

Votes on the motion to refuse the application were recorded as follows:

For	4
Against	3
Abstain	0

The committee therefore **RESOLVED to REFUSE the application on the grounds as presented above.**

Add Informatives:

Plans

1. The plans accompanying this application are:

- Proposed: No. L101 Rev D, E103 Rev D, E101 Rev D, E102 Rev D, P100 Rev C, P102 Rev D, P103 Rev F, P104 Rev D, S101 Rev D, P101 Rev E (received: 06/06/16).

- Existing: No. L001, E001, E002, L002, P001, P002, P003 (received: 23/03/16)

2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions.

To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £ per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk

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 Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://www.planningportal.gov.uk/legislation.gov.uk). Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

18. 8 REDBOURNE AVENUE LONDON N3 2BS - 16/1270/FUL

The Planning Officer introduced the item. The committee noted the information set out in the published addendum.

Oral representations were heard from Mr William McCormick, who objected to the application, and from the applicant's architect.

Following discussion of the item, Councillor Eva Greenspan moved a motion to approve the application, as per the officers' recommendation. The motion was seconded by Councillor Marshall.

Votes on the motion to approve the application were recorded as follows:

For	3
Against	4
Abstain	0

The motion therefore fell.

Subsequently, Councillor Eva Greenspan moved to refuse the application on the following grounds:

1. The proposed development by reason of the number and size of units proposed and associated general activity would be an over-intensive use of the site which would detract from the established character of the area and would be detrimental to the amenities of neighbouring occupiers by reason of noise and disturbance. The proposals are contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).
2. In the absence of confirmation that the proposed parking spaces can be provided on site to serve future residents, the development would be likely to increase demand for on-street parking in the area, detrimental to the free flow of traffic and highway safety. The proposals would be detrimental to policy DM17 of the Adopted Barnet Development Management Policies (2012).

The motion was seconded by Councillor Alan Schneiderman.

Votes on the motion to refuse the application were recorded as follows:

For	4
Against	3
Abstain	0

The committee therefore **RESOLVED to REFUSE the application on the grounds as presented above.**

Add Informatives:

1. The plans accompanying this application are: Site Location Plan; PL01; PL02; PL03A; PL04A; PL05; PL06; PL07; PL08; Design and Access Statement
2. In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions.

To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

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The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £ per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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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 Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://www.planningportal.gov.uk). Please visit

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

19. 374B LONG LANE LONDON N2 8JX - 16/1447/FUL

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

An oral representation was heard from Ms Madelon Lyle, who objected to the application, and from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	5
Against	1
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's report and the information provided in the addendum.**

20. 212 - 216 HIGH ROAD LONDON N2 9AY - 16/1367/FUL

The Planning Officer introduced the application.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	5
Against	1
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's report.**

21. 18 CHEVIOT GARDENS LONDON NW2 1QH - 16/1065/HSE

Councillor Alan Schneiderman excluded himself for the item due to the interest he declared at the beginning of the meeting.

The Planning Officer introduced the application.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	5
Against	1
Abstain	0

The committee therefore **RESOLVED to APPROVE the application as per the officer's report.**

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

None.

The meeting finished at 10.20 pm

Location **6 Beechworth Close, London NW3 7UT**

Reference: **16/1277/S73**

Received: 29th February 2016

Accepted: 2nd March 2016

Ward: Childs Hill

Expiry 27th April 2016

Applicant: Miss Katherine Somers

Proposal: Variation of Condition 1 (Approved Plans) of planning permission F/01083/13 for "Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house" dated 13/05/2013. Variations to include alteration to hardstanding, change of use of the garage to a kitchen, changes to the fenestration to both houses, alteration to light wells, revised rooflight design, creation of lift overrun to both houses, new skylights to both houses, enlargement of basement.

AGENDA ITEM 6

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 6BW-P2-200 Rev B, 6BW-P2(10)-003 Rev B, 6BW-P2(10)-004 Rev A, 6BW-P2(10)-005 Rev A, 6BW-P2(10)-006 Rev A, 6BW-A1(12)-50 Rev A, 6BW-P2(12)-100 Rev A, 6BW-P2(12)-101 Rev B, 6BW-P2(12)-103 Rev B, 6BW-P2(12)-105 Rev B, 6BW-P2(12)-104, (received: 22/04/16).
 - No. TS-15-002-001 Rev D, 6BW-P2(12)-102 Rev A and 6BW-P2(10)-002 Rev C (25/04/16)
 - Basement Impact Assessment (dated May 2016)
 - Arboricultural Impact Assessment (dated June 2016)
 - Construction Method Statement (dated May 2016)

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

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

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of

any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

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

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

Reason:

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

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

Reason:

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

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facings 1 Elm Walk and 5 Beechworth Close.

Reason:

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

- 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) the building(s) hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties and protect the health of protected trees in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

- 9 In the event of installations of any extraction and ventilation equipment, details shall be submitted to and approved by the Local Planning Authority before installation and implemented in accordance with agreed details before the use is commenced.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 14 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

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

- 15 No siteworks or works on this development shall be commenced before 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 are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

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

- 16 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.

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

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

Reason:

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

- 18 Before the development hereby permitted is occupied, vehicular and cycle parking spaces shall be provided in accordance with the heeby approved drawing submitted as part of the application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012), and CS9 of the Adopted Barnet Core Strategy DPD (2012).

- 19 This development must be begun within three years from 08.05.13.

Reason:

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

- 20 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 21 Before the buildings hereby permitted are occupied the proposed windows in the side elevations facing 1 Elm Walk and 5 Beechworth Close shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 22 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 13% 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).

- 23 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 development shall be maintained as such in perpetuity thereafter.

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

- 24 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).

- 25 The roof of the buildings 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).

- 26 Continued monitoring of ground water levels should be carried out throughout the development and the results provided on request of the Local Planning Authority.

Reason: To safeguard the risk of flooding to the site and neighbouring properties in accordance with DM01 of the adopted Local Plan.

- 27 Before the development hereby permitted is occupied, the basement will be constructed in accordance with the revised Basement Impact Assessment (dated May 2016).

Reason: To safeguard the risk of flooding to the site and neighbouring properties in accordance with DM01 of the adopted Local Plan.

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 £40,425.00 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 £155,925.00 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 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.

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

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

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

The details of acoustic consultants can be obtained from the following contacts:

- a) Institute of Acoustics and b) Association of Noise Consultants.

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

- 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4)

Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

- 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.

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- 7 Wildlife and Countryside Act 1981 Obligations: Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

The decision for the current application was deferred by members to allow the applicant more time to submit additional supporting information. The applicant has subsequently submitted three revised documents, including:

- Basement Impact Assessment
- Arboricultural Impact Assessment
- Construction Method Statement

The applicant's comments on these revised documents and the council's response is included within the main body of this report.

1. Site Description

The application site is a large detached two storey flat roof dwelling located on Beechworth Close in the Childs Hill ward, the back of the property backs onto Elm Walk. Beechworth Close is characterised by detached dwellings with flat roofs. There is an existing access point onto the site from the public highway. A group tree preservation order exists surrounding the site. The site is not located within a conservation area.

2. Site History

Reference: 15/07605/S73

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Refused

Decision Date: 08.02.2016

Description: Variation of Condition 1 (Approved Plans) of planning permission F/01083/13 for "Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house" dated 13/05/2013. Variations to include Internal alterations. Installation of access lift. Alterations to fenestration. Removal of garage and squaring off basement to House 1. Increase size of lightwell to rear of House 2, relocation of rooflights.

Reasons for refusal:

1. The plans submitted are considered to be inadequate, as they do not enable the full assessment of the proposed alterations to the building. On the basis of the plans supplied it is considered that the proposed development would, by reason of its design, be harmful to the character and appearance of the existing building, the street scene and this part of Beechworth Close. The application is therefore found to be unacceptable and contrary to policies 7.6 and 7.8 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 of the Barnet Development Management Policies Document (Adopted September 2012).

2. The proposed unit would fail to provide future occupiers with sufficient private outdoor amenity space and as a result, the amenities of future occupiers would be significantly affected. The proposal is therefore found to be unacceptable and contrary to policies 3.5 and 7.6 of the London Plan (2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in

the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted 2012).

3. Insufficient information has been provided to demonstrate that the future occupiers of House 1 would have adequate space to manoeuvre their vehicles allowing them to enter and exit the site in a forward gear. The proposal would therefore create a situation prejudicial to highway and pedestrian safety and contrary to policy DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Reference: 15/03476/CON

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approved

Decision Date: 11.08.2015

Description: Submission of details of Conditions Nos.2 (Levels); No.3 (Materials); No.5 (Refuse Enclosures); 10 (Hard and Soft Landscaping); No.13 (Details - Excavations for Drainage); No.14 & 15 (Trees Protection); No. 20 (Noise); No. 24 (Method Statement) pursuant to planning permission Ref:F/01083/13 dated: 8 May 2013.

Reference: F/01083/13

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approve subject to conditions

Decision Date: 09.05.2013

Description: Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house.

3. Proposal

The current application proposes the following changes to a previously approved scheme (15/01592/FUL):

- Alteration to hardstanding
- Change of use of the garage to a kitchen
- Changes to the fenestration to both houses
- Alteration to light wells
- Revised rooflight design
- Creation of lift overrun to both houses
- New skylights to both houses
- Enlargement of basement

4. Public Consultation

Consultation letters were sent to 25 neighbouring properties.

7 letters of objection have been received.

The objections received can be summarised as follows:

- Loss of off street parking spaces
- Enlargement of basement
- Issues relating to construction management
- The roof additions are too large and could create a roof terrace and harm the character of the area.

- The construction management plan should be updated
- Harm to protected trees
- Increase stress in on street parking
- Overdevelopment

5. Planning Considerations

The application was deferred from the May meeting of this committee to allow submission of an amended Basement Impact Assessment. This has been received and neighbours reconsulted.

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 2016

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, DM03, DM04, DM08, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)
Residential Design Guidance (adopted April 2012).

5.2 Main issues for consideration

- Whether harm would be caused to the character of the area
- Whether harm would be caused to the amenities of future and neighbouring occupiers
- Whether harm would be caused to any protected trees

5.3 Assessment of proposals

As the scheme is similar to that previously approved (F/01083/13), the following assessment will focus on the proposed changes highlighted above.

Alteration to hardstanding

Alterations to the previously approved hardstanding are relatively minor in scale and unlikely to harm the health of the nearby protected trees. To further safeguard these trees, a condition has been attached to this permission requiring the applicant to submit a tree protection plan and method statement, to be assessed and agreed by Barnet's tree officers prior to any works commencing on site.

Enlargement of basement

As the proposed basement is increasing in depth Members requested an amended version of the previously submitted Basement Impact Assessment which takes into account these proposed changes.

In relation to the previous application, the Council's Building Control Department Principal Structural Engineer has also confirmed the construction of the basement is unlikely to have a significant impact on groundwater flows, and provided normal good practice is used in the construction of the basement ground stability problems are unlikely. A condition has also been attached to ensure the monitoring of the drainage and future ground water monitoring is conducted.

Change of use of the garage to a kitchen

Sufficient space exists on the forecourt to meet Policy DM17 of Barnet's Development Management Policies relating to parking. The applicant has also submitted a swept path analysis (plan no. TS-15-002-001 Rev D) demonstrating how both vehicles could enter and exit the site in a forward gear, thus addressing the previous reason for refusal.

Changes to the fenestration to both houses

The alterations to the fenestration are considered acceptable. Issues relating to overlooking and privacy have been addressed through the attached conditions.

The addition of a lift overrun to both houses

The proposed lift overruns have been set in from the exterior walls by a sufficient distance so as to largely obscure them from public view and consequently they will not adversely affect the character of the area.

Alteration to light wells

Barnet's Residential Design Guidance includes explicit reference to basement extensions, specifically that 'for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building. In larger buildings with extensive plots it may be possible to extend under part of the rear garden.' In a subsequent section it also states that 'the council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties.'

The previous application was refused as the extension to the side lightwell (House B) took up valuable amenity space thus harming the living conditions of future occupiers. The revised scheme proposes only minor changes to the depth of this lightwell and would not protrude beyond the rear elevation. As this particular area of the site is not within any root protection area of nearby trees there are no objections on this basis.

Revised rooflight design and additional skylights

This element would preserve the character of the area.

Additional Documents Submitted

In response to the request from Members, the applicant has submitted three additional documents. All three documents have been commented on separately by external consultants on behalf of the local residents. Below is a summary of these comments followed by officers responses.

ARBORICULTURAL IMPACT ASSESSMENT (revised)

- o Failure to apply the guidance in BS5837 without explanation. The consequence of this is the potential underestimation of the extent of tree roots running through the site and a possible associated failure to properly assess the impact of the development on the future life of the trees.
- o Lack of investigation into the potential impacts of new hard surfacing on the health of retained trees.
- o Lack of evidence to support claims of limited impact of the development on retained trees
- o The construction works currently underway have commenced without the installation of Tree Protection. This is not only contrary to planning conditions but, clearly, also puts the retained trees at risk.
- o Given the small size of the site and the lack of working space to carry out construction activities it is inevitable that damage will occur to retained trees and the rooting environment upon which they depend.

Response:

The principle change close to nearby trees is a slight increase in the area of hardstanding to the forecourt. In percentage terms, the additional hardstanding is negligible when compared to what was previously approved. The revised Arboricultural Impact

Assessment has considered this proposed change and does not raise issues which would warrant refusal of the current application on these grounds alone. Further details of tree protection and works near to trees are required by condition.

CONSTRUCTION METHOD STATEMENT (revised)

- o The potential for considerable disturbance to local residents arising, inter alia, from the restricted cul-de-sac nature of the access road.
- o A considerable increase in the amount of excavation and soil to be removed from site arising from the enlarged basements.
- o A doubling of the construction programme and associated disturbance from one to two years.
- o Potential problems in accessing the site with construction vehicles and risks to tree RPZs.
- o Failure to comply with the approved CMS in several areas.
- o Confirmation that the amended basements are almost 3.5m deeper than those originally approved. This measurement point was made on behalf of the objectors at the DC Committee but was refuted by the applicant's agent when questioned by Members. It is now clear that our clients' assessment of the additional basement depth was correct and this should be taken into account by the LPA. The S73 application drawings are unhelpfully unclear on the detail of the measurements which must make it difficult for the LPA to fully understand the additional excavation works comprised in this application.

Response:

A certain degree of noise and disturbance is to be expected from any building works. The principle change since the previous application is the increase in depth of the proposed basement. The revised Construction Method Statement has considered this revision and does not raise any additional concerns however comments received from the Council's highway engineer will be reported at the meeting.

BASEMENT IMPACT ASSESSMENT (revised)

- o Lack of structural engineering and construction methodology information means that the residual impacts of the development cannot be identified.
- o Doesn't demonstrate that there will not be negative impacts on the stability of neighbours' properties or on the water environment in general.
- o Considerably more detailed information and analysis is required before it can be concluded that the revised development is acceptable and satisfies Barnet Council's planning policies.

Response:

The Council's Building Surveyor has looked at the amended document and considers that no new matters are raised that are not already addressed by conditions proposed. He suggests that the basement construction will affect groundwater but that the consultant report submitted suggests this effect will not be significant. He advises that a hydrogeological report could be obtained but condition 26 requires monitoring of water levels as in the original permission.

Right of access:

Several objections have been raised over the applicant's right of access. To address this issue the site area has been revised and no longer includes this crossover. The applicant's solicitor has also submitted the following comments in response to queries raised by Members during the previous committee meeting.

In response, the applicant's solicitor has submitted the following comments:

Vehicular and pedestrian access to 6 Beechworth Close, Hendon is from West Heath Road, along Beechworth Close, and over an existing crossover that crosses a verge between the property and Beechworth Close.

The owner of 6 Beechworth Close, Hendon is Six Beechworth Properties Limited. This company was, I understand, granted the right to cross over the verge under the terms of a deed of grant dated 16 March 1967.

Officers have seen this deed and are satisfied that access can be provided to the site. The amended site plan submitted means that the site outlined in red is now the same as the one submitted for application F/01083/13 which this application seeks to vary.

5.4 Response to Public Consultation

Loss of off street parking spaces: Addressed in 'assessment of proposals' above.

Enlargement of basement: Addressed in 'assessment of proposals' above.

Issues relating to construction management: Addressed in 'assessment of proposals' above.

The roof additions are too large and could create a roof terrace and harm the character of the area: The changes to the roof would not create issues of overlooking. A condition has also been included to prevent the use of the roof as a balcony.

Harm to protected trees: Although a condition relating to trees has been discharged (15/03476/CON) the proposed works are located within the root protection areas of several trees. To address these changes it is deemed appropriate in this instance to re-attach a tree impact assessment condition which would need to be agreed with the local authority prior to works commencing on site.

Increase stress in on street parking: Addressed in 'assessment of proposals' above.

Overdevelopment: The current application proposes only minor changes to the previously approved scheme and therefore not considered to be an overdevelopment of the site.

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 application is recommended for APPROVAL.



Location 31A The Park, London NW11 7ST

Reference: 16/2895/FUL

Received: 3rd May 2016

Accepted: 3rd May 2016

Ward: Childs Hill

Expiry 28th June 2016

Applicant: Simat Properties Limited

Proposal: Demolition of the existing dwelling and detached garage and erection of 5no two-storey detached and semi detached dwellings with rooms in roof space including hard and soft landscaping, off street parking spaces and refuse stores

AGENDA ITEM 7

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement 1032-AP3-D+A Part One; Design and Access Statement 1032-AP3-D+A Part Two; Daylight and Sunlight Report by GIA reference 8610; Arboricultural Impact Assessment Report and Outline Method Statement by Landmark Trees reference BKL/31aTPK/AIM/01b; Letter from Landmark Trees dated 21st April 2016 reference BKL/31aTPK/AIM/02a/Lttr; Planning Statement by First Plan; Site Location Plan; Visualisations; Parking Assessment by i-Transport reference NM/MD/DJ/ITL12040-001A TN; Drawing no. 1032-S01; Drawing no. 1032-S02; Drawing no. 1032-S03; Drawing no. 1032-S04; Drawing no. 1032-S05; Drawing no. 1032-S06; Drawing no. 1032-S07; Drawing no. 1032-S08; Drawing no. 1032-S09; Drawing no. 1032-A93-01A; Drawing no. 1032-A93-02A; Drawing no. 1032-A93-03A; Drawing no. 1032-A93-04A; Drawing no. 1032-A93-05A; Drawing no. 1032-A93-06A; Drawing no. 1032-A93-07A; Drawing no. 1032-A93-08A; Drawing no. 1032-A93-09A; Drawing no. 1032-A93-10A; Drawing no. 1032-A93-11A.

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 or site works, including demolition or construction work, shall take place on site until a 'Demolition, Construction and Traffic Management Plan' has been submitted to for each phase of the development 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 Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

6 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection 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 scheme of temporary tree protection as 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.

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.

- 7 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 31A The Park 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).

- 8 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.

- 9 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 development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and

policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 10 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)

- 11 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 9% 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).

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

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

- 13 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.

- 14 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with

a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

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

- 15 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).

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

- 17 Before the building hereby permitted is first occupied the proposed window(s) in the first floor flank elevations 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).

- 18 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).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £37,660.00 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 £117,644.57 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 If the proposal is carried out it will be necessary for the existing crossover to be amended by the highways Authority and for new crossovers to be constructed. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. Any associated works on the public highways including reinstatement of redundant crossovers will be carried out at the applicant's expense. Any street furniture

including lamp columns, affected by the proposed crossover would be relocated at the applicant's expense. Relocation of lamp columns may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained.

The proposal will require alterations to on street parking bays which will be subject to a statutory consultation. The tree section will be consulted regarding the highways tree in close proximity of the proposed crossovers.

The applicant should submit a vehicle crossover application to London Borough of Barnet, 11th Floor Barnet House, London, N20 0EJ.

The applicant is advised that following the outcome of the detailed crossover inspection the position of the proposed crossovers (and parking layout) may need to be amended.

- 4 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.

Officer's Assessment

Officers withdrew the application from the agenda of the May Committee so that residents could be reconsulted on the Highways Assessment and Revised Plan, which were received after the committee report was written. Additional comments have been received and have been incorporated in the summary of objections section in the report.

1. Site Description

The site is located on the south side of The Park. The site is approximately 0.2 hectares in area. The surrounding area is residential in character consisting of detached and semi-detached houses. The site forms part of an attractive suburban area, and backs onto Golders Hill Park.

The buildings in the area are mixed but are generally traditional in design with one or two exceptions. Many of them incorporate features such as render and timber cladding, with notable variations in shape.

2. Site History

C16008/04 - 3 x Horse Chesnut - Crown thin by 15% Reduce overhang by 20% Reshape. Standing in Group G1 of Tree Preservation Order - Approved - 19/11/2004

C16008A/06 -Alterations to roof including dormer to rear. Provision of terrace at second floor level. - Refused - Dismissed at Appeal - 24/07/2006

C16008B/06 - Alterations to roof including dormer to rear. Provision of terrace at second floor level and privacy screens. - Refused - Allowed at Appeal - 11/01/2008

14/08087/FUL- Demolition of existing dwelling and detached garage and erection of 6no. two storey semidetached houses including rooms in roof space and associated hard/soft landscaping, off-street parking spaces and refuse store.

Refused by the Finchley and Golders Green Planning Committee (overturned from an officer recommendation to approve.

Decision Date: 1 April 2015.

Reasons for refusal:

1. The proposed development, by reason of its size, bulk, siting and design would be detrimental to the character and appearance of the street-scene and general locality.
2. The proposed development would result in the loss of existing on street residents parking bays in order to provide access to off street parking to serve the development.

15/03044/FUL- Demolition of the existing dwelling and detached garage and erection of 4no. two storey detached dwellings with rooms in roof space including hard and soft landscaping, off street parking spaces and refuse stores

Approved subject to conditions (delegated decision)

Decision Date: 25 June 2016

3. Proposal

The applicant seeks planning consent for the demolition of the existing dwelling and detached garage and the erection of a total of 5no. (4 x semis and 1 x detached) two storey houses including rooms in roof space and associated hard/soft landscaping, off-street parking spaces and refuse store.

The application follows on from a refused scheme on the same site for 6no dwellings under planning reference 14/08087/FUL and an approved scheme for 4 detached dwellings under planning reference 15/03044/FUL.

4. Public Consultation

Consultation letters were sent to 27 neighbouring properties.
37 responses have been received, comprising 37 letters of objection.

The objections received can be summarised as follows:

- Even stronger grounds to refuse 5 house scheme compared to previously refused 6 scheme due to new school opening.
- Parking congestion would be made worse
- Loss of Victorian property with extensive green frontage and resultant damage to streetscene due to hardstanding.
- Out of character with surrounding houses/ Adverse impact on appearance of area
- Will result in a material change to neighbourhood which has remained untouched in 50 years
- Eyesore
- Site is too small to support 5 houses
- Crammed houses on plot
- Set precedent
- Could then be turned into 6
- Will look like an overdeveloped car park
- New gardens will not have the space to replace
- Loss of outlook onto greenery and replacement with hideous houses
- Overly dense development
- Bulky
- Incongruous design with Arts and Crafts style of road
- Impact on environmental by removal of trees
- Neighbours feel a sense of betrayal of trust by developers
- Proposal closer to refused scheme rather than approved 4 dwellings
- Assumed peak hours of parking in the Parking Assessment do not reflect the truth; peak congestion in the area is during drop off and collecting school times
- No reliance should be made on the Parking Assessment in the report

A site notice was erected on the 12th May 2016.

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 2016

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, CS9, CS10, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, 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:

- 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 future and neighbouring residents.
- Whether harm would be caused to highway and pedestrian safety

- Whether the proposals would have an acceptable impact on trees of special amenity value
- Whether the proposals would be acceptable in sustainability terms

5.3 Assessment of proposals

As mentioned above, planning permission has already been granted for the erection of 4 detached dwellings on the plot under reference 15/03044/FUL.

Whether the principle of the development is acceptable

The site is located in a suburban area and is located in an area of PTAL rating 2. The London Plan advises that development should be at 35-95 units/hectare.

The proposals appear to be at 24.04 units/hectare based on the site being 0.208 hectares. The principle of residential development in the form of four detached houses is considered acceptable as this is a characteristic feature of surrounding roads which consist of a mixture of semi-detached and detached houses.

Given the approval at the site for 4 dwellings, the principle of residential development on the site is considered to be acceptable and has already been established.

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

The proposals involve sub-division of the plot to form 5 houses. In terms of plot widths, the site has a width of 46m, which would represent a width of approximately 8.4 m per plot for the semi-detached dwellings and 10.6m for the detached. The plots opposite have widths of approximately 8m, and this is considered to be comparable.

It is considered that the proposed architectural styling of the proposed buildings fits with the character of the street. The proposed dwellings also share gable ends which are featured on some of other properties on the street, and they have been designed to have individual decorative features which can facilitate the differentiation between the properties. The eaves and height of the buildings are sympathetic to the adjacent dwellings.

The application for six houses was refused by virtue of the size, bulk, siting and design of the buildings being considered detrimental to the locality. The approved application for four detached dwellings addressed the objections. With regards to the current scheme for 5 dwellings, by virtue of the reduced number of units from the refused scheme, the suitable gaps between the dwellings and comparable scale and massing to other properties on The Park, the scheme is considered to have addressed the reason for refusal for the 6 dwelling scheme.

The overall depth of the dwelling houses would be comparable to the rear building line of the nearby dwellings.

Bin storage would be provided within internal alcoves.

The view from Golders Hill Park of the site is important to consider. However, given the presence of mature tree screening to the rear of the site, and taking into account the considerate design of the roofs, providing adequate spacing and relatively low height, it is

not considered that the appearance of the buildings, including the crown roof designs, would appear obtrusive as viewed from the rear.

Officers are satisfied that the proposals would not harm the character and appearance of the area.

Impact on the amenities of neighbouring occupiers

The applicant has provided a daylight and sunlight report with the application. This advises that there would be no alteration in daylight and sunlight to any habitable rooms at no.31 and that the only rooms affected at no.33 are served by other windows. The report also stated that there would be some impact on the kitchen window of no.33, however this is also served by a glazed doorway to the rear. As part of the previous application, it was not considered that the proposals would cause harmful loss of light or outlook to this window. Given the approved 4 dwelling scheme, it is not considered that the proposal would result in any greater impacts on daylight and sunlight than previously considered to be acceptable.

In terms of the impact on neighbouring outlook, House A which would be closest to no.31 The Park would extend approximately 1 metre at the boundary and a maximum of 3 metres at first floor level beyond the rear wall of no.31; at ground floor it would also extend 4m at the side closest to the same property and a maximum of 5.5m. House E which would be closest to no.33, would extend 0.5m (measured at the boundary) and a maximum of 2.3m at ground floor. Given that there is an existing rear projection of 3m at first floor and 4.5m at ground floor on this boundary it is not considered that any loss of outlook would be materially greater than what exists at present. Furthermore, given the limited projection on the side nearest no.33, it is not considered that there would be any harmful impact on the visual amenities of the occupiers of this property. Furthermore, the projection of the buildings at the rear would be the same when measured at the boundaries with no.31 and no.33 as on the proposal already approved on the site.

A condition is suggested to restrict permitted development rights given the size of the dwellings are comparable to one that has already been extended.

Officers of the Local Planning Authority are satisfied that the proposals would not harm neighbouring visual or residential amenity.

Impact on the amenities of future occupiers

Given the large existing plot, the size of the proposed units would comply and exceed with London Plan standards.

The proposals would provide adequate amenity space for the 5 new houses.

The proposals include rear terraces at first floor level. Given the presence of existing features on the existing building this is considered acceptable in principle providing that adequate screening is provided and suitably integrated into the design of the proposed buildings. The previously approved application for 4 dwellings also included balconies, and on the current scheme as with the previous one, the proposed balconies are not considered to be excessive in size.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached in the recommendation to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 9% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a is attached in the recommendation to ensure compliance with the Policy

In terms of water consumption, a condition is attached in the recommendation to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

Whether harm would be caused to highway and pedestrian safety

The proposal is for demolition of existing house and construction of 1 x 5-bedroom new houses and 4x 6 bedroom house. A total of 8 parking spaces will be provided at the forecourt of the properties; however there is allocation for 2 parking spaces per dwelling (totalling 10). The proposal includes 3 new vehicle accesses in addition to the existing crossover which will be retained.

The parking provision is in accordance with the parking standards in London Borough of Barnet's Local Plan.

The site is located within a one hour controlled parking zone (CPZ), has a public transport accessibility level (PTAL) of 2.

For the refused schemed, the Council's Highway Officer considered that:

"Site visits at times of higher residential parking demand, in the evening and early morning, indicate that there is on street parking availability in the residents' parking bays within walking distance from the site.

There are 54 residents bays available at The Park and 33 parking permits are currently issued to residents of this road. In the adjacent Park Avenue there are 41 residents parking bays and 33 permits are currently issued to residents of this road.

Therefore it is not considered appropriate to impose a restriction on permits for residents of the proposed development, as there would be no justification on permits pressure."

If the proposal is implemented it will be necessary to modify the existing crossover and to construct new crossovers. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the

Highways Act 1980 and would be carried out at the applicant's expense. The applicant should submit a vehicle crossover application to the Highways Authority. Any street furniture affected by the proposal including lamp columns will be relocated at the applicant's expense. There are highways trees in close proximity to the proposed crossovers, therefore the tree section should be consulted, the outcome of this consultation cannot be prejudged.

The proposed crossovers will involve alterations to the existing on street parking bays. Alterations to on street parking bays will be subject to a statutory consultation as part of the crossover assessment. All costs associated with modifications to on street parking bays including consultation will be borne by the applicant.

The applicant has submitted a parking assessment to clarify the concerns regarding the problems with parking. The report concludes that there would not be material difference in parking congestion from the approved scheme compared to the proposed scheme even considering the additional demand from new schools in the vicinity.

One of the reasons for refusal for the 6 house scheme was the loss of existing street parking, by the development. Although the current scheme would result in some loss of parking, it is no different to the application approved and given the compliance with parking standards, it is not considered that the proposal would heighten existing parking pressures to an unacceptable level to warrant refusal of the application and as such it is acceptable.

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

It is noted that consent has previously been given to remove existing trees on site that are subject to Tree Preservation Order and plant replacements. The scheme has been designed in a way to incorporate three of these replacement trees to the front of the site and one to the rear.

An arboricultural impact assessment was previously submitted and assessed by the Council's Tree officer; a letter accompanies the current application by the same Tree Consultant which confirms that the amended scheme would pose no further impact on the existing and proposed replacement trees, than the approved scheme (for 4 dwellings). Tree officers were previously consulted on the proposals and are satisfied with the scheme subject to conditions; officers have reviewed the amendments and are satisfied with the latest scheme again subject to conditions.

Whether the proposals would have an acceptable impact on local ecology

To the south is Golders Hill Park which is a site of Metropolitan interest for Nature Conservation.

The existing site is mostly grassed with some tree screening to the boundary to the rear. It is considered that the existing site is of little biodiversity value and therefore it is unlikely that protected species would be harmed as a result of the works.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm.

As the proposal would increase in floorspace of sqm, the development is considered to be liable for £37,660.00 of Mayor's CIL and £117,644.57 of Barnet's CIL.

5.4 Response to Public Consultation

It is considered that the comments raised by objectors have been addressed in the 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

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



Location **42 West Heath Drive, London NW11 7QH**

Reference: **16/2823/HSE**

Received: 28th April 2016

Accepted: 28th April 2016

Ward: Childs Hill

Expiry 23rd June 2016

Applicant: Mr & Mrs Ralf Seibel

Proposal: Formation of new basement below existing property with associated lightwells to front, side and rear elevations

AGENDA ITEM 8

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location: 16-007-01 sheet 1 of 5, 16-007-01 sheet 2 of 5, 16-007-01 sheet 3 of 5, 16-007-01 sheet 4 of 5, 16-007-01 sheet 5 of 5 16-007-02 sheet 1 of 5, 16-007-02 sheet 2 of 5, 16-007-02 sheet 3 of 5, 16-007-02 sheet 4 of 5, 16-007-02 sheet 5 of 5, CROFT STRUCTURAL ENGINEERS: Subterranean Method Statement, Sustainability Checklist for Householder and Minor Developments and Demolition and Construction Method 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 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 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, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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).

- 5 The development shall be implemented in accordance with the measures detailed within the submitted Demolition and Construction Method Statement (London basement, March 2016).

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).

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 site property is a two storey semi-detached single family dwellinghouse located on West Heath Drive. The property is not listed and does not lie within a Conservation Area.

West Heath Drive is a residential street of a varied character and mainly comprises semi-detached properties. Many of them have been altered.

2. Site History

Reference: F/02699/09

Address: 42 West Heath Drive, London, NW11 7QH

Decision: Approved subject to conditions

Decision Date: 18 September 2009

Description: Part single, part two storey rear extension. New retaining wall to front and alterations to front porch.

Reference: F/04564/09

Address: 42 West Heath Drive, London, NW11 7QH

Decision: Lawful

Decision Date: 12 January 2010

Description: Insertion of new roof light.

3. Proposal

The application seeks permission for the creation of a basement level. The basement would extend 2.6 metres below the existing dwelling. Three lightwells are also proposed, one to the front, side and rear elevations.

4. Public Consultation

21 consultation letters were sent to neighbouring properties.

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

The objections received can be summarised as follows:

- Incorrect assertion of hydrological impact
- No other basement in the street
- Impact on Trees
- Risks to neighbouring properties
- Legal Aspects
- disruption in terms of noise, pollution and access
- environmental concerns about removal of gardens
- No neighbour consultation
- Over-Development

LB Barnet Building Control Officer: Satisfied with the information submitted, following receipt of additional information.

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 2016

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 the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene;
- 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

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

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

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

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

The Council's adopted SPD 'Residential Design Guidance' (2013) states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant; extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Barnet's adopted SPD Residential Design Guidance states that the council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties. Often with basement development, the only visual manifestations are light wells and skylights, with the bulk of the development concealed wholly underground and away from any public view.

The Residential Design Guidance goes on to say that any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width. In number, form, scale and panel size, basement windows should relate to the façade above. Windows should be aligned to any openings at the higher level and be of a size that is clearly subordinate to these so as to respect the character of the original building.

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

With regard to basements the Council's SPD 'Residential Design Guidance' states that the Council will normally allow single floor basements which do not project further than 3 metres from the rear wall and the length of any visible basement wall should not dominate a property nor extend its full width. The proposed basement would sit below the footprint of the original dwelling and except for the proposed lightwells to the front, side and rear elevations no external manifestation would result from the basement development.

The proposal would extend across the entire property however the lightwells to the rear and side are limited in size and the openings covered with a grille, hence their impact on the appearance of the property is limited. The front lightwell would extend across the width of the bay window and the opening would be covered by a grille. An existing retaining wall with planting would be removed. Although this would affect the appearance of the property, given the depth of the front garden the visual manifestation of the basement as seen from the street would be limited and it is considered that the proposal would not disrupt the character of the host property or the surrounding area.

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

The proposed basement extension and lightwells will not be readily visible from neighbouring dwellings; therefore, they would not adversely impact the visual or residential amenities of the neighbouring occupiers.

5.4 Response to Public Consultation

i) Incorrect assertion of hydrological impact

The agent has provided further information in relation to comments raised about flood and hydrology. This has been assessed by the Council's Building Control Engineer and they have not raised any concerns relating to the proposal.

ii) No other basement in the street

The proposal has been assessed against the relevant policy and is considered to comply with the criteria and is not considered to have an adverse impact on the surrounding area.

iii) Impact on Trees

The proposal has been assessed and is considered not to have a detrimental impact on any trees.

iv) Risks to neighbouring properties

Damage caused to neighbouring properties as a result of construction works is not a valid planning material consideration and is a civil issue.

v) Disruption in terms of noise, pollution and access

A Construction Management Plan has been submitted as part of the application and will be secured by condition.

vi) Environmental concerns about removal of gardens

The changes to the front garden involve only removal of part of a planted retaining wall. Other planting within the front garden is to be retained.

vii) No neighbour consultation

Consultation letters were sent to 21 neighbouring properties. The Planning Service has carried out the consultation in accordance with the Council's procedures in this case. Other matters raised are outside its control.

viii) Over-Development

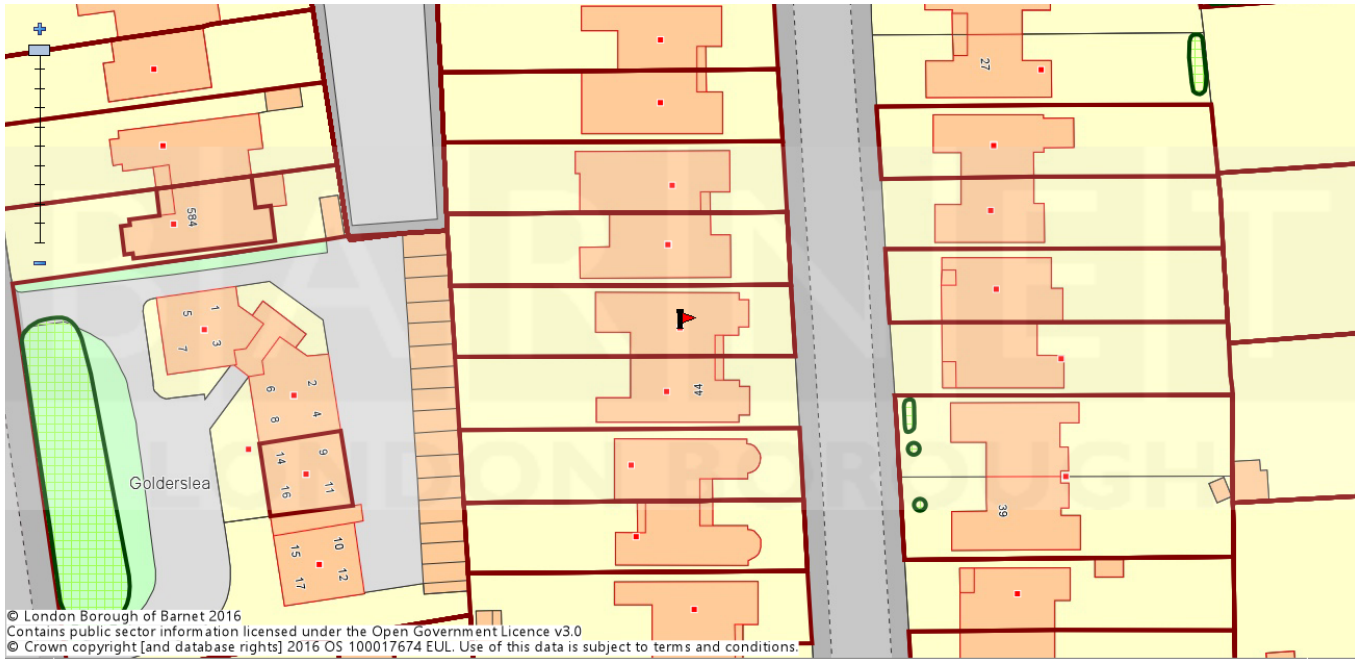
The application has been assessed and is not considered to constitute over-development and complies with the relevant policies.

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 16 and 18 Oakfields Road, London NW11 0HY

Reference: 16/1994/S73

Received: 29th March 2016

Accepted: 29th March 2016

Ward: Golders Green

Expiry 24th May 2016

Applicant: Mr LOU ROKACH

Proposal: Removal of condition 21 (Occupancy of number 18) and variation of condition 1 (Plans) and condition 7 (Windows) pursuant to planning permission F/04764/13 dated 11/12/2013 for "Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road". Variation to include installation of an obscure glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Road and windows in side facing dormer windows to be obscure with a limited opening restricted to 100mm

AGENDA ITEM 9

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Compliance Report, Technical Specifications, Sustainability Checklist, Drawing Nos. PL(90)100, PL(02)300 Rev P1; PL(03)101, PL(03)104, PL(05)101 P3, PL(03)102 Rev P1, PL(03)100, PL(03)103, PL(03)200, PL(03)201, PL(03)202, PL(05)100, PL(05) 101 Rev P2, PL(05)102, PL(05)103 Rev P4, PL(05)104, PL(05)200 and PL(05)201 Rev P2.

Reason:

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

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

Reason:

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

- 3 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) the building at 18 Oakfields Road hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 4 All new windows in the side elevations facing 16 and 20 Oakfields Road shall be glazed with obscure glass only and should be permanently retained as such thereafter and shall only have a restricted opening of a maximum of 100mm.

Reason:

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation of No 18 Oakfields Road facing the neighbouring properties.

Reason:

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

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation facing No. 18 Oakfields Road.

Reason:

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

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

Reason:

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

- 8 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any

part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

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

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

Reason:

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

- 10 The use of the basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building known as Number 18 Oakfields Road and shall not at any time be occupied as a separate unit or for any other purpose not incidental to the main use of the dwelling.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

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

Reason:

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

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

Reason:

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

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

Following discussion of the item, this application was deferred at the last meeting of 15th June 2016 Finchley and Golders Green Area Planning Committee in order to request the applicant to submit an amended site plan showing the correct curtilage of the application site. It was further agreed that members would visit the site from no 20 Oakfields Road before reaching a decision.

The correct site plan has been submitted and neighbours have been re-consulted. It should be noted no further representations have been received from neighbours as a result of this re-consultation.

A site visit would be arranged for the members before the next meeting.

1. Site Description

The application relates to two storey detached dwelling houses located on the eastern side of Oakfields. The application site No. 18 has been considerably completed implement in the previous planning permission as below. The area is characterised by a mixture of detached and semi-detached residential dwellings, a number of which have been previously extended.

The site does not fall within a conservation area.

2. Site History

Reference: 16/2143/NMA

Address: Site Of 18, Oakfields Road, London, NW11 0HY

Decision: Approved

Decision Date: 19 April 2016

Description: Non-material minor amendments to planning permission reference F/04764/13 dated 11/12/13 for `Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road` Amendments to include alteration to rear elevation fenestration including addition of juliette balcony to first floor level of No. 18 Oakfields Road

Reference: F/04764/13

Decision Date 11 December 2013

Decision: Approved subject to conditions

Proposal: Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road

3. Proposal

Removal of condition 21 (Occupancy of number 18) and variation of condition 1 (Plans) and condition 7 (Windows) pursuant to planning permission F/04764/13 dated 11/12/2013 for "Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part

single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road". Variation to include installation of an obscure glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Road and windows in side facing dormer windows to be obscure with a limited opening restricted to 100mm

4. Public Consultation

Consultation letters were sent to 27 neighbouring properties.
5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- balustrade will result in roof being used as a terrace and cause overlooking and loss of privacy
- concerns that original conditions were not complied with
- site location plan is wrong
- concerns raised in regards to height of property

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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The application is a material amendment to the planning application reference F/04764/13. Please see the report from this application for a detailed discussion of the issues relating to this development.

The proposal seeks consent for the following works:

- addition of a glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Ave
- windows in side facing dormer windows to be obscure with a limited opening restricted at 10cm

The above changes are to increase privacy for both the occupiers of 18 Oakfields Road and the neighbouring occupiers at 20 Oakfields Road; the privacy screen is to limit views to and from the single storey rear extension at No. 20 which has clear glass windows on both side elevations facing directly onto the extension at the application site. Although inaccessible due to the recent installation of Juliette balconies, the balustrade is considered essential in mitigating any potential overlooking and loss of privacy. The obscure glazed dormer windows are proposed to further protect privacy for both occupiers; without the obscure glazing and limited opening there would be a clear line of sight into both the application site from No. 20 and vice versa.

The application also seeks to remove condition No 21 which was worded as follows: Before the proposed dwelling at Number 18 Oakfields Road is occupied the extension at Number 16 Oakfields Road shall be fully completed.

Reason:

To ensure that the proposed dwelling at 18 Oakfields Road does not affect the residential amenities of the neighbouring property No. 16 Oakfields Road in accordance with Policy DM01 Protecting Barnet's character and amenity of the adopted Development Management Policies DPD (2012).

The extensions at No 16 have not started and the building and occupancy at No 18 have been completed, given that the situation already exists and no harm has been created by the breach of this condition, there is no objection to the removal of condition No. 21 in this instance.

5.4 Response to Public Consultation

Addressed in report.

The LPA is satisfied that the site location plan submitted is correct.

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 14 Grosvenor Road, London N3 1EX

Reference: 16/2970/FUL

Received: 5th May 2016

Accepted: 11th May 2016

Ward: West Finchley

Expiry 6th July 2016

Applicant: Dr. BAHAI

Proposal:

Conversion of property into 3no self-contained flats following demolition of existing garage and erection of part single, part three storey side extension with 1no proposed roof light to front elevation. demolition and alteration to existing front entrance and creation of a new front entrance. Demolition of existing rear extension and erection of a part single, part-three storey rear extension. Alteration to existing roof including 3no roof lights to front elevation. Provision of 2 no. front parking spaces

AGENDA ITEM 10

Recommendation: Approve subject to conditions

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

07-LP
07-BP
07-ER-Rev1
07-ENWE-Rev1
07-ERE-Rev1.1
07-ESEE-Rev1.1

ZA125/1.3/01A
ZA125/1.3/02

09F-PG-Rev9
09F-PI-Rev1
09F-P2-Rev1
09-PRE-Rev2
09F-PBG-Rev1
09-PNWE
09-PR
09-PSEE
09-PFE

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

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations, of the extensions hereby approved, facing 12, 16 and 18 Grosvenor Road.

Reason:

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

- 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 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).

- 7 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.

- 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 9 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).

- 10 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).

- 11 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a 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 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 site property is a detached single family dwellinghouse located on Grosvenor Road. The property has an existing two storey flat roof rear extension which extends rearwards from just below the ridge roof level of the original property.

2. Site History

Reference: 15/01472/PNH

Address: 14 Grosvenor Road, London, N3 1EX

Decision: Prior Approval Required and Refused

Decision Date: 20 April 2015

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 2.5 metres and maximum height of 2.5 metres

Reference: 15/02729/HSE

Address: 14 Grosvenor Road, London, N3 1EX

Decision: Approved subject to conditions

Decision Date: 24 July 2015

Description: Single storey side and rear extension following removal of existing garage and rear single storey projection

Reference: 15/05351/HSE

Address: 14 Grosvenor Road, London, N3 1EX

Decision: Refused

Decision Date: 19 October 2015

Description: Part single, part three-storey side and rear extension following removal of existing garage and rear single storey projection (AMENDED PROPOSAL)

Reference: 16/0412/HSE

Address: 14 Grosvenor Road, London, N3 1EX

Decision: Approved subject to conditions

Decision Date: 15 April 2016

Description: Demolition of existing extensions and garage and erection of part single part two storey side and rear extension. 3 no. rooflights to front to facilitate loft conversion

3. Proposal

The applicant seeks permission for the conversion of the existing property into 3no. self-contained flats, following the demolition of existing extensions and garage and erection of part single part two storey side and rear extension. 3 no. rooflights to front to facilitate loft conversion.

The proposed ground floor element of the extension would wrap around the existing house and would have a width of 8.8 metres, a depth of 11.5 metres on the side with no. 12 and a depth of 4.2 metres on the side with no. 16 Grosvenor Road.

The roof to the single storey element of the extension would be flat with a height of 3 metres.

The first floor element of the extension would have a width of 1.3 metres, depth of 7.5 metres on the side with no. 12 and 1 metre on the side with no.16 Grosvenor Road.

The proposed flats would be 2no. 2 bedroom flats at ground and first floor levels and 1no. 1 bedroom flat at first floor level.

4. Public Consultation

Consultation letters were sent to 83 neighbouring properties.

5 responses have been received, comprising 5 letters of objection on behalf of 6 properties.

The objections received can be summarised as follows:

- insufficient parking
- pedestrian safety
- loss of light
- overlooking/loss of privacy
- flat to be used as a balcony
- out of character
- removal of side boundary wall to existing driveway

Internal consultation: The Council's Highways Officer has been consulted and raised no objections to the principle of the conversion of the existing property into 3no. self-contained flats. Changes to the proposed parking arrangement had been recommended and the plans have been amended by the applicant.

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 2016

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:

Principle of conversion of house to self-contained flats

Whether harm would be caused to the character and appearance of the existing building and the character of the area;

Whether harm would be caused to the living conditions of neighbouring residents;
Whether the proposal would provide a satisfactory quality of amenity for future occupants;

- Space standards
- Room sizes
- Layout
- Amenity space
- Bin/refuse facilities;
- Parking;

5.3 Assessment of proposals

Principle of conversion into 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.

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."

In addition, Policy DM01 part h) which seeks to protect the character of Barnet states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'.

In addition, reviewing the planning history of all the properties on Grosvenor Road, three properties received permission for the conversion into 2no. self-contained flats, no.36 (ref. C08957- approved in 1985), no. 58 (ref. C09356 - approved in 1987) and no. 41 Grosvenor Road (ref. C00979A/02 - approved in 2002). Properties no. 1, 4, 26, 31, 33, 35, 41, 43 and 58 Road has also been converted into flats according to Council Tax records, but does not benefit from planning permission.

Given the predominant character of the road includes several flat conversions on either side of the host application property, it is considered that the proposal will be in keeping with the established character of the area. Therefore the principle of the conversion of the property into flats is considered to be acceptable.

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

It is noted that planning permission was obtained for the extension of the host property, under reference 16/0412/HSE.

The current proposal has reduced the size of the proposed ground floor extension to accommodate a refuse area and no changes have been proposed to the other approved extensions to the property. The proposed side and rear extension would complement the appearance of the main building in terms of proportion and materials. The extension is subordinate to the original house and would comply with the Residential Design Guidance SPD. It is therefore considered that the proposal would not materially harm the character and appearance of the existing building, the street scene and the wider locality.

As part of the proposal, the applicant seeks permission to extend the depth of the existing dormer by a further 1 metre. This element was previously assessed and found to be acceptable under current Barnet policies and is therefore considered to be within keeping with the character of the host property and wider area.

The proposed front rooflights are considered to be in keeping with the character of the host property and wider area.

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

The proposed ground floor rear extension would have a depth of approximately 4 metres, projecting a further 0.5 metres from the existing rear conservatory and would occupy the full width of the existing property.

It is also noted that both neighbouring properties have benefited from single storey rear extensions and that the proposed rear element of the extension would be in line with the extension existing at no. 12 and 1 metre further to the rear from the existing building line at no. 16/18 Grosvenor Road. The proposed first floor rear extension would project a further 1 metre from the existing building line. Given the proportions and the relationship between the proposal and the neighbouring properties, it is not considered that the side and rear extension would be detrimental to the amenities of the occupants of any neighbouring property.

The proposed first and second floor rear additions would be of a considerable overall height. However, this addition would only project by a further 1m to the rear of the existing house. Taking into consideration the gap of 2.4m which would remain between the host property and the neighbouring properties it is considered that the proposal would not give rise to any significant loss of residential amenity to the neighbouring occupiers of No.16 and No.18 Grosvenor Road by reason of overdominance, loss of daylight or sunlight over and above that which already exists.

No. 12 Grosvenor Road has no habitable room windows in the flank elevation which face directly towards the proposed first and second floor side and rear additions. No.12 Grosvenor Road benefits from a rear projection of approximately 3 metres deep. The proposed increased height of the proposed ground floor element and proposed gap of 1.6m and 2.6m between the proposed first and second floor side and rear extension respectively is considered to be sufficient to ensure that this element would not adversely impact the upon the residential amenities of neighbouring occupiers by reason of overdominance, loss of daylight or sunlight.

No habitable room windows are proposed in the flanks elevation and the distance from the windows in the proposed rear extension to the properties on Lansdowne Road would comply with the overlooking distances specified in Residential Design Guidance SPD (adopted April 2013). The proposal does not therefore give rise to an unacceptable loss of privacy to neighbouring properties.

The use of the flat roof of the extension would require planning permission and a condition restricting its use is proposed.

Given the proportions and the relationship between the proposal and the neighbouring properties, it is not considered that this scheme would be detrimental to the amenities of the occupiers of any neighbouring property.

Whether the proposal would provide a satisfactory quality of amenity for future occupants

Space standards

Ground floor flat has a floor area of approx. 88sqm which is within minimum standard of internal floorspace for a 2bed 4person flat.

The proposed first floor has a floor area of approx. 64sqm which is within minimum standard of internal floorspace for a 2bed 3person flat.

The proposed second floor has a floor area of approx. 51sqm which is within minimum standard of internal floorspace for a 1bed 2person flat.

Room sizes

The proposed units would meet the space standards as set out in the SPD on sustainable design and construction.

Layout

Consideration should be given to the internal layout of flats. With regards to the stacking of rooms, bedrooms should be stacked above bedrooms and living rooms above living rooms to ensure that the amenities of the residents of each flat are not compromised. In this instance the proposed layout has been amended and no stacking issues are observed, therefore the layout is considered to be acceptable.

The insulation between flats falls within the remits of Building Regulations and a condition is normally attached to the planning permission to ensure this complies with the Building Regulations.

Amenity Space

Barnet's adopted SPD Sustainable Design and Construction requires new residential schemes to provide a minimum level of amenity space which for flats stands at 5 square metres of space per habitable room, with the emphasis being on 'usable amenity space'. The proposals provides a private rear amenity area to the ground floor flat and proposes a shared amenity spaces to first and second floor flats, to be accessed through the entrance hall and side passageway. The amenity space to the ground floor flat at 64 square metres and the shared space for first and second floor, at 147 square metres would meet the criteria of the above policy.

Bin/refuse facilities

Policy DM02 states that proposals for residential conversions must include suitably enclosed storage areas at the rear of the property. If it is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity. The application shows that the refuse area will be situated to the side/front of the property and adequately screened.

Parking

The proposed parking arrangements had been amended following the comments of the highways officer and are now considered acceptable. No pedestrian safety issues have been raised by the highways department.

The proposed parking scheme would provide 2 parking spaces and cycle store to the front. It is noted that Grosvenor Road does not have a controlled parking zone. In accordance with LBB Parking Standards the parking demand would be 3 spaces. There is no highway objection to the proposal on the basis that only 2 spaces are provided off street.

Cycle parking is shown on the submitted plans in accordance with standards, the application is considered to be acceptable in terms of parking provision and other highways issues.

5.4 Response to Public Consultation

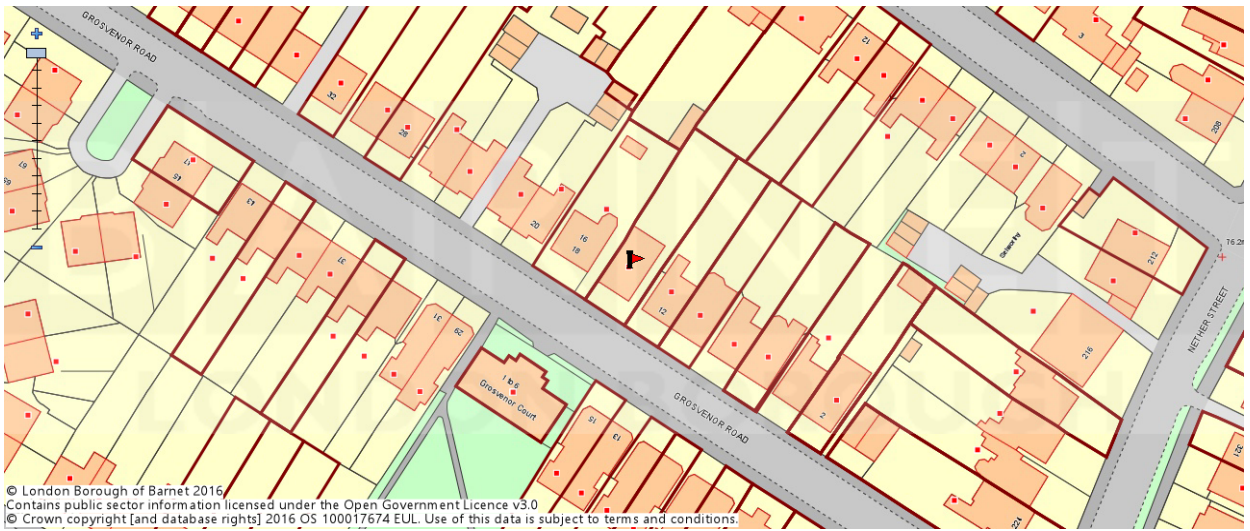
Covered in the main report.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **104 Nether Street, London N12 8EU**

Reference: **16/2710/RCU**

Received: 25th April 2016

Accepted: 18th May 2016

Ward: West Finchley

Expiry 13th July 2016

Applicant: Mr Fujun Liu

Proposal: Retention of existing front boundary wall with railings. Retention of existing fenestration (Retrospective)

AGENDA ITEM 11

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 538-EX-00.

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).

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.

Officer's Assessment

1. Site Description

The site property is a detached single family dwelling house located on Nether Street. The property is not listed and does not lie within a Conservation Area.

2. Site History

Reference: 15/01413/HSE

Address: 104 Nether Street, London, N12 8EU

Decision: Approved subject to conditions

Decision Date: 30 April 2015

Description: Conversion of garage into habitable space involving replacement of existing garage door with window. First floor side extension including new pitched roof and alterations to external elevation

Reference: 15/02330/HSE

Address: 104 Nether Street, London, N12 8EU

Decision: Approved subject to conditions

Decision Date: 7 August 2015

Description: Creation of a new carriage driveway with associated alterations including provision of an additional vehicular access, new hardstanding, new front boundary wall with railings and 2no. sliding gates

Reference: 15/03041/192

Address: 104 Nether Street, London, N12 8EU

Decision: Lawful

Decision Date: 22 July 2015

Description: Replacement of existing render with brickwork

3. Proposal

The application seeks permission for the retention of existing front boundary wall with railings and the retention of existing fenestration (Retrospective). The piers (brickwork) have a maximum height of 1.7m and the railings a maximum high of 1.33m. The fenestration changes include replacement windows and front door.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

9 objections have been received, 1 from Finchley Society; 5 from neighbours in Nether Street and 3 from occupiers of properties located in different streets.

The concerns can be summarized as follows:

- Uncharacteristic developments and materials, with regards to surroundings;
- Appearance of the wall railings and front door;
- Disregarding of the original planning permission and submitted drawings;
- Permission for red bricks and red roof tiles;
- Ripping down of the magnolia tree on the site;
- Railings being safety hazard for pedestrians;
- Railings and front garden being harmful for street's wildlife along with appearance of the front garden;
- House re-built and extension, along with over development of the back-garden of the site;
- Addition of security cameras.

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 2016

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, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

Policy DM01 states that development proposals should be based on an understanding of local characteristics and should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, paces and streets. It also states that development proposals should retain outdoor amenity space having regard to its character.

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)

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

The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semidetached 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.

The Residential Design Guidance also states that external finishes, materials and architectural features affect the appearance of the extension. It also states that the design, proportions and position of joinery details, windows and doors should reflect those of the original building to ensure the details of the new extension are sympathetically in-keeping and do not detract from the area's general character.

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 street scene and the wider locality.

5.3 Assessment of proposals

The new front boundary approved in application 15/02330/HSE had piers 1.65m high and a low wall 0.8m with railings above with total height of between 1.1m and 1.3m. The gates and railings were of a more simple design than those as built.

Properties along this part in Nether Street vary in terms of front boundary. Some houses have no walls, some have low brick walls or fences of an average of 0.50m high, some have walls of an average 1.50m high with low railings set above, and some houses have green boundaries.

The proposed front boundary wall and railings are not higher than those of other properties and officers consider that the differences to the approved scheme are not so substantial as to harmfully impact the character and appearance of this part of the street.

Previous applications at 106 Nether Street, that were refused and dismissed on appeal related to proposals with 1.5m high piers and walls and railings of between 1.5m to 1.8m in height, ie an overall height greater than the structures the subject of this current application.

In regards to replacement windows and doors, such changes are normally 'permitted development'. Although the style and colour of windows is different the overall proportions are similar to the original, therefore in compliance with the Residential Design Guidance.

5.4 Response to Public Consultation

All the objections relating to retention of existing front boundary wall and railings, as well as of replacement fenestration have been considered within the above report.

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 the proposed retention of existing front boundary walls with gates and railings, as well as the retention of existing front door and windows would not result in excessive harm to the appearance and character of the property or this part of the street. This application is therefore recommended for APPROVAL, subject to conditions.



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The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £92,824.55 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a £619,342.63 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

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 Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

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

3 The plans accompanying this application are:

Officer's Assessment

1. Site Description

The site has an area of approximately 0.19 hectares in area.

The site is L-shaped and wraps around 197 Ballards Lane and 201 Ballards Lane (Hartnell Court).

The site currently has a three storey flat roof building with projecting front ground floor entrance. This is set back from the neighbouring two storey terrace to the south.

The site has a vehicular entrance from Gruneisen Road and pedestrian entrance from Ballards Lane.

The site is located opposite Victoria Park.

Part of the site that fronts Ballards Lane forms part of the secondary retail frontage of Church End town centre.

The surrounding area is mixed in character, with a three storey building with roof level to the north. Further north still the character is more mixed outside the town centre, with three storey residential properties and taller flat blocks of 5-6 storeys, though these are well set back from the frontage. The majority of the buildings to the south are two storeys in height. These then step up to taller heights closer to Finchley Central Underground Station.

2. Site History

Finchley Police Station

C11571B/01 - Ground floor front addition to form entrance lobby. Rear extension rising above existing roof level to accommodate new lift. Replacement windows. - Approved - 13/06/2001

Hartnell Court (197-203 Ballards Lane)

C03643G/04 - Demolition of existing buildings and erection of a three storey block of 14 No. self contained flats and 315 sqm offices (B1) plus basement car parking for 24 No. parking spaces accessed from Gruneisen Road. (OUTLINE). (Amended description). - Approved - 21/01/2005

197 Ballards Lane

F/02072/13 - Third floor roof extension including a front and a rear dormer window to facilitate conversion into a new office space. - Approved - 23.07.2013

F/04628/12 - Third floor extension over existing second floor including alterations to roof to create new office space. - Refused - 14.03.2013

F/01330/11 - Formation of a third floor to be used as offices (B1 use) including associated roof alterations and extension to lift tower and internal staircase. - Refused - 19/05/2011

3. Proposal

The proposals are for the demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 4 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level.

The proposals involve the demolition of former police station buildings on the site.

The proposals would create two blocks on the site:

1) A seven storey block fronting Ballards Lane. The glazed roof level would be set in from the edges of the building.

The building would include lower ground floor level. The cafe unit would be located to the front of the site at ground floor level. The rearmost part of the building would be set back from second floor upwards. This block would house 43 units.

2) A four storey block fronting Gruneisen Road. The building would step back to 5 storeys in part at its rearmost part. This would house 27 units.

Amenity space would take the form of balconies and a centrally located courtyard.

The proposals make no provision for car parking and would be a car free development.

The units proposed are designed as Build to Rent units. The scheme would provide purpose built rental accommodation that would be centrally managed. The scheme is designed with communal lobby and space for an on-site property manager. (Known as a 'Bob' by the applicant on other similar developments).

The applicant also has offered to commit as part of a legal agreement to retain the units as private rental sector housing for 15 years and this could be subject to legal agreement if the application is to be approved. After this period the development would be used for any form of market housing within class C3.

4. Public Consultation

Consultation letters were sent to 282 neighbouring properties.

124 responses have been received, comprising 93 letters of objection, 31 letters of support.

The objections received can be summarised as follows:

Principle of Development

Development makes no provision for affordable housing.

Uncertain what will happen after ten years, will the block be sold on

Development is of excessive density

Character/Appearance Issues

The buildings are too tall and out of scale with other buildings in the area.

Permission was refused to extend 197 Ballards Lane and nothing has changed since.

Development should be no higher than neighbouring buildings.

Design is incongruous and doesn't reflect neighbouring buildings

Overdevelopment

Lack of architectural quality

Lack of benefit to public realm

Amenity Issues

Development will have appearance of blank wall.

Loss of daylight and sunlight.

Loss of light to Hartnell Court, Wentworth Lodge and Wentworth Avenue

Overlooking to Hartnell Court, Wentworth Lodge and Wentworth Avenue and not clear if 21m overlooking distance will be met.

Noise arising from use and number of people within the building.

The proposals provide inadequate amenity space

Environmental Issues

Noise and dust during construction, particularly to disabled and elderly residents.

Highways Issues

Lack of parking proposed for the development or visitors

It is already difficult to park outside CPZ hours. CPZ is known to have high occupancy.

Additional residents using Gruneisen Road will make access dangerous competing with commercial uses

If residents are excluded from permits they will park on streets outside the CPZ which already suffer from parking stress

Parking surveys have not adequately measured parking streets and have included CPZ areas that are not representative

Public transport will be overcrowded
Residents may cycle to cars parked elsewhere
Lack of cycle facilities

Other Issues

Finchley already has enough cafes and doesn't need more.
Will be occupied by more transient community which will impact the local community.
Not enough school or doctors places to support development
How will development be maintained
Appears to involve building on neighbouring land
Increased antisocial behaviour
This sort of residential accommodation is not needed and does not help residents in the area
Impact on security for resident's#
Fact that developer is in competition with developers building for sale is not relevant
The representations received can be summarised as follows:
Police station needs to be developed
Parking is already limited and this will not change
Economic and social benefits to the area

An objection was received from Mike Freer MP on the following grounds:

The proposed development would breach the local roofline, and would be harmful to the area as a result of it's massing, bulk and intensification.

Correspondence was received from the Finchley Residents Group objecting to the proposals for the following reasons:

- Lack of affordable Housing
- Development is too high and does not relate well to local character
- Overshadowing, loss of daylight and sunlight
- Access to Gruneisen Road is unsuitable for a quiet road
- Development is out of scale with it's surroundings
- Development does not provide adequate amenity space for upper floor flats
- Development does not provide adequate green space or areas for wildlife
- Lack of parking provision to serve the development
- What happens after 10 years, will developer sell the complex

Additional consultation was undertaken on 04/04/2016 and 12/04/2016 following minor changes made by the applicant. 72 objections were received to this consultation and one letter of support. These are included within the above comments.

Internal/Statutory Consultation:

Highways - Object. Comments are contained within main body of report.
Environmental Health - No objection, comments are contained within main body of report.
Lead Local Flood Authority - The proposed discharge rate is in line with relevant policies (London Plan, Non-statutory Tech standards for SuDS). The plans provided provide a reasonable level of detail, though more detail is needed as part of the final design (such as the provision of more detailed surface water runoff / storage calcs).
Metropolitan Police – No comments received.

Waste and Recycling – Have advised that additional refuse storage capacity needs to be provided.

Fire Brigade - Adequate brigade access does not appear to be provided to the rear blocks. The applicant has subsequently advised that sprinkler systems would be provided.

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 2016

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, CS3, CS4, CS5, CS6, CS9, CS10, CS11, CS12, CS14, CS15

Policy CS3 states that 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.

Policy CS4 states that 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 to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.

- 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.
- seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults.
- 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 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS6 states that in order to promote competitive town centre environments and provide consumer choice, we will realise development opportunities for the town centres of Edgware, North Finchley, Finchley Church End, and Chipping Barnet. We will pursue the individual planning objectives for each centre as set out in their Town Centre Frameworks and ensure the delivery of environmental, design, transport, car parking and community safety measures.

Policy CS9 states that the Council 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 CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS11 states how the Council will improve health and well-being in Barnet.

Policy CS12 states that the Council 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 CS14 sets out how the Council will encourage sustainable waste management

Policy CS15 states that the Council will work with the Local Strategic Partnership(One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of the Core Strategy.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM06, DM08, DM10, DM11, DM13, DM14, DM16, 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.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design.

Policy DM04 states that 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. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM05 states that tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable.

Policy DM06 states that archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

Policy DM08 states that 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 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 DM13 states that loss of community or educational use will only be acceptable in exceptional circumstances

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. 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 Development Plan Document 2013

- detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development.

Planning Obligations SPD Adopted 2013

- The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the Council will seek to use Planning Obligations and the procedural process for doing so.

Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD

- The SPD sets out the Council's approach to delivering skills, employment, enterprise and training initiatives from development

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 adequate provision for affordable housing
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- 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 an acceptable impact on local security
- Environmental and Sustainability Issues
- Whether the proposals would make adequate provision for accessibility
- Whether the proposals would make adequate provision for biodiversity
- Whether the proposals would have an acceptable impact on local drainage

5.3 Assessment of proposals

Whether the principle of the development is acceptable

1.1. Land Use –Loss of the Police Station

The proposals would seek to demolish the existing police station building and replace it with two residential blocks. The block fronting Ballards Lane would have a café use (A3 Use Class) at ground floor level.

Policy DM13 relates to community uses and states that *'Loss of community or educational use will only be acceptable in exceptional circumstances where:*

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

Page 129 of the Core Strategy suggests that a police station would not technically fall under the description of a community facility and therefore should not be considered under policy DM13. However it must be noted that such a facility could provide some community benefit and this needs to be considered.

Policy CS12 states that LB Barnet *will work with the Metropolitan Police to provide re-modelling of its estate as a basis for an effective and responsive police service in Barnet*
The applicant advises that the police station was identified as being surplus to requirements in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016.

It must also be noted that 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 building is no longer used by the Metropolitan Police. Given that the Metropolitan Police have already identified the site as being surplus to requirements, and the policy support within policy CS12 it is not considered that the loss of the police station would warrant refusal of planning permission in itself. This further needs to be balanced against the benefits that the proposed housing units would provide.

It should be noted that the properties would be 'build to rent', and that communal facilities would be provided that would exceed those normally expected for a block of flats. The need for Private Rental Sector (PRS) is identified within policy CS4, the preamble for which states 'An increased supply of decent housing in the private rented sector is of value to households wanting to live in Barnet but not able to access owner occupation'

Policy 3.8 of the Mayor's London Plan highlights that *'boroughs should work with the Mayor and local communities toensure that...the planning system provides positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery'*

In these ways it is not considered that the loss of the former police station which is surplus to requirements would warrant refusal of the planning application.

1.2. Land Use –Proposed Café

Policy DM11 states that *'Significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site.*

The proposed café would be sited to the Ballards Lane frontage, within the secondary retail frontage of Finchley Church End town centre. The provision of a café within the town centre would accord with policy DM11, in that town centre uses should be located within town centres.

1.3 Density

The gross site area for density purposes is approximately 0.22 hectares.

The London Plan states that for this sort of site, a density range of 200-700 habitable rooms for hectare is advised and 45-260 units per hectare.

Based on the plans provided, the development would be at 318 units per hectare and 750 habitable rooms per hectare. This exceeds the matrix by 58 units and 50 hr respectively.

Policy 3.4 of the London Plan states that *Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range..... Development proposals which compromise this policy should be resisted.*

The London Plan goes on to say that it is not appropriate to apply the density matrix mechanistically, as its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential.

In this way, the proposed development would exceed the density matrix to some degree. This needs to be viewed in the context of the Mayor's Supplementary Planning Guidance on Town centres which states that town centres are well suited to high density development.

In this way it is not considered that the density of the scheme is so great as to warrant refusal of the application, as the proposals would otherwise contribute towards the policy objectives of providing additional housing units and mixed use development within a district town centre.

1.4 Unit Mix

The proposals would make provision for:

- 46x1bedroom flats
- 21x2bedroom flats
- 3x3bedroom flats

Policy DM08 identifies family sized home as the biggest priority for housing delivery in Barnet.

The proposals would deliver significant numbers of 2 bedroom units which would provide a good mix on the site. Furthermore, the site is within a town centre, and therefore is suitable for delivering smaller sized units, for which there is also known demand.

The provision of private rental sector accommodation within Barnet would add additional housing choice within Barnet, according with policy CS4 of the Core Strategy and policy 3.8 of the Mayor's London Plan. As such officers consider that the mix of housing is appropriate for the site.

2. Whether the proposals make adequate provision for affordable housing

Policy DM10 of the Development Management Policies Document 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.'

It should be noted that the scheme is for Private Rental Sector accommodation and that this needs to be considered when assessing viability. The National Planning Practice Guidance states that *Some privately rented homes can come from purpose built schemes held in single ownership which are intended for long term rental. The economics of such schemes differ from build to sale and should be determined on a case by case basis. To help ensure these schemes remain viable while improving the diversity of housing to meet local needs, local planning authorities should consider the appropriate level of planning obligations, including for affordable housing, and when these payments are required. So these homes remain available to rent only, local planning authorities may choose to explore using planning obligations to secure these schemes for a minimum period of time. Local planning authorities should enforce these planning obligations in the usual way.*

The NPPF defines affordable housing as *Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.*

Private rental sector accommodation, whilst meeting a need; could not be described as affordable housing.

The applicant has provided a Financial Appraisal Supporting Statement by Quod in support of the scheme. This states that it is not viable for the scheme to provide any affordable housing.

The supporting statement has been independently reviewed by BNP Paribas on behalf of the Council. They are of the view that the development could viably provide a contribution of £1.7 million towards affordable housing within the borough.

Further discussions have taken place between Quod and BNP Paribas but there remains at the time of writing this report a substantial difference of opinion.

It is therefore considered that the proposals would fail to provide the maximum viable amount of affordable housing, and as such there would be a material conflict with policy DM10 of the Development Management Policies Document.

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

The proposal is for the demolition of the existing building with retention and erection of 70 residential units comprising 46x 1bedroom units, 21x2bedroom units and 3x3bedroom units and a café and a restaurant (A3 use) at ground floor. No parking spaces are being provided. 45 existing parking spaces are being lost.

3.1 Parking Impact

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 4.

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.

49x1b = a range of (0.0 - 1.0) = 00.00 – 49.0 parking spaces required

18x2b = a range of (1.0 - 1.5) = 18.00 – 27.0 parking spaces required

03x3b = a range of (1.0 - 1.5) = 03.00 – 04.5 parking spaces required

This equates to a range of parking provision of between 21 to 80.5 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management PoliciesDM17.

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. The PTAL rating for the site is 4. Therefore parking spaces need to be provided to meet the parking standards within policy DM17.

A car free development is proposed therefore no car parking is provided on site and therefore the proposal does not accord with the Parking Policy DM17.

The transport statement submitted with the planning application has attempted to provide justification for a car free development as follows:

- * Enforcement of the car free status through the S106 agreement preventing resident access to parking permits for the Controlled Parking Zone.
- * Provision of 94 cycle parking spaces.
- * Proposed residential Travel Plan (TP);
- * Proposed Car Club as part of the TP;
- * Comparison of sites in other London boroughs with PTAL Rating of 3 and 4;
- * The car ownership for the local area has been assessed as 0.86 cars per household;

The limiting of the purchase of parking permits is unlikely to deal with the impact of parking demand that may result from the proposed development as the site is located on the edge of CPZ which is only a one hour CPZ.

Proposed Car Club is unlikely to address the aspiration of owning a car as the location offers an easy access to wider road network via A406 North Circular Road and the A1000 Great North Road and make it a desirable location for residents who make regular use of the car.

The consultants have also submitted comparison of PTAL ratings in other boroughs in the TS for similar sites. Such comparison does not take into account the local environment and therefore every application has to be considered on its merit and therefore is not a material consideration.

The consultants in the TS have identified that the car ownership for the local area based on the 2011 Census Data is 0.86 per household. Based on the car ownership data it is only logical to conclude that the proposed development may result in parking demand for approximately 60 parking spaces. As no parking is provided for the development it is likely that the overspill parking resulting from the development onto public highway in the surrounding roads and therefore will have a detrimental impact on public highway.

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. 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 development would provide no parking to serve the development. The site is located on the edge of a one Hour Controlled Parking Zone (CPZ), in close proximity of roads with uncontrolled parking which suffer from high parking stress. Any overspill of parking resulting from the proposed development will further exacerbate the parking pressure.

The applicant has undertaken parking surveys within the locality. These appear to show capacity within the CPZ to accommodate some additional parking outside CPZ hours. However this does not address any issues on nearby roads outside the CPZ. There is likely to be significant competition for spaces in the area given the proximity to local shops and amenities, and the CPZ would only be effective in preventing commuter parking.

Highway officers have obtained parking permit information for the area and this is shown below:

	Available Bays - Our data	Available Bays - Applicant's survey	Permits Issued
Ballards Lane	8	8	33
Wentworth Park	64	62	72
St Pauls Way	36	36	41
The Ridgeway	46	21	194
Gruneisen Road	20	20	33
Brownlow Road	17	34	79
Seymour Road	33	32	33

The information shows that parking permits within the surrounding area are heavily oversubscribed which appears to contradict the surveys done by the applicant. Officers are of the view that the surveys would show a snapshot over a few days, and that there is potential for the parking spaces to be more heavily used than this. Consideration must also be given to the comments made in this regard by residents.

In this way, officers are of the view that with no restrictions or mitigation the proposals would provide additional competition for parking spaces within the CPZ area (Outside 2-3pm) and immediately outside the CPZ on roads that are not restricted and already suffer from parking stress.

It is therefore necessary to consider whether mitigation can address these issues.

The applicant has explored whether it would be possible to have a term within the lease of the flats preventing residents from owning a car. However, officers are of the view that this would not be a satisfactory mechanism. This is because it is not possible to obtain details of the car owner from the Driving Vehicle Licensing Authority (DVLA). The threat of action itself would not be enough of a deterrent and the 'bob' on site would not be able to monitor all of the CPZ areas within the locality or indeed areas outside the CPZ. It is therefore considered that this option is unworkable.

The applicant has raised the option of extending the existing CPZ. Theoretically, the applicant could make a contribution towards a CPZ review within the locality. They have not specified what form this would take and discussions have taken place with the Council's Highways Team regarding what sort of arrangement may adequately mitigate the harm caused by the development. However, any grant of permission on this basis would need to be subject to the CPZ extension being agreed following consultation and this would need to form part of any recommendation.

3.2 Access

The development would be car free, and as such would not require vehicular access. It would make use of pedestrian accesses from Ballards Lane and Gruneisen Road.

3.3 Trip Generation

Taking into account the previous use of the site as a police station, and the location of access points It is not considered that the proposals would harmfully increase traffic flows on surrounding roads.

3.4 Safety

The proposals would make use of vehicular access to Gruneisen Road. It is possible that the proposals will result in more pedestrian activity to this part of the site. There is an existing access point in this location. It is not considered that the use of the site as 70 flats would create increased risk of accidents within the locality.

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

4.1 Layout

The proposed development would take the form of two blocks with courtyard area in between.

The block fronting Ballards Lane would largely fit within the existing linear development on this frontage. The existing building on the site is set back from the terrace to the south. The proposed block to Ballards Lane would extend forward to match the front building line of the building to the south.

The building line to Gruneisen Road is less well defined, with commercial uses having irregular parking areas to the frontage. The proposals would help add more constancy to this.

4.2 Scale/Massing

The proposed block to Ballards Lane would be 6-7 storeys in height. The neighbouring buildings to the south are predominantly two storeys in height and those to the north are three storeys with pitched roofs.

It is acknowledged that this block will at 6-7 storeys be the tallest building in the immediate vicinity and considerably taller than neighbouring buildings.

The building is sited in a prominent location and would be open to views from all sides as a result of the additional height of the building.

Furthermore, it is not considered that the design quality of neighbouring buildings is particularly notable; nor that the design of these neighbouring buildings, or their height is something that must be followed slavishly. The site is located within a town centre that is identified for more intensive development and there are other examples of isolated taller buildings within the town centre.

In this way, it is acknowledged that the block to Ballards Lane would appear taller than neighbouring buildings. Any harm resulting from the additional height needs to be considered against the benefits of providing additional PRS residential accommodation and additional development within a defined town centre.

The proposals involve the construction of 3-4 storey building to Gruneisen Road.

Levels decrease to the west along Gruneisen Road. In this way Hartnell Court has the appearance of a taller building at close to 4 storeys. The garage immediately to the west of the site has a roof with ridge of approximately 2 storeys in height. The building further to the west is two storeys with significant roof level, and properties opposite the site are 3 storeys with roof.

The proposed building to Gruneisen Road would be three storeys to the front with additional roof level set back. The area is currently occupied by the police station car park. It is considered that the scale of the proposed building to Gruneisen Road would be appropriate in the context of neighbouring buildings, and would not appear unduly jarring or tall against these.

It is not considered in this context that the proposed massing of the block to Gruneisen Road would cause material harm to the character and appearance of the streetscene and general locality.

Overall, it is considered that the development would to some extent appear out of scale with surrounding buildings to Ballards Lane, but that this harm is limited given the location of the site within a town centre where intensification should be encouraged.

4.3 External Appearance

The plans show development with red brick walls with recessed window openings, with composite and tile cladding. Roof material would be metal clad and windows would be full height.

Buildings on Ballards Lane include a mixture of commercial terraces with traditional details such as balustrades and banding, as well as more isolated modern flat roofed development.

Buildings on Gruneisen Road consist more of late 19th century villa buildings and commercial premises.

The materials would give a mix of contemporary and traditional influences, reflecting the mixture of more modern development in the town centre and traditional buildings on Gruneisen Road and this is considered an acceptable approach in principle.

Details of external finishes and materials can be secured by a planning condition.

4.4 Landscaping

Given the urban nature of the site and its layout scope for landscaping is limited to communal courtyard areas. Some details of landscaping are shown on the plans provided. However a condition would be required in the event of approval in order to secure a suitable landscaping scheme to provide an acceptable appearance to the development.

5. Whether harm would be caused to the living conditions of neighbouring and future residents

5.1 Neighbouring Amenity

5.1.1 Daylight/Sunlight

A daylight and sunlight report accompanies the planning application. This refers to BRE (Building Research Establishment) Guidance.

The report details that generally the impact of the proposals would be complaint with some exceptions:

-It is noted that there would be a material loss of light to the first floor rear windows of properties at Hartnell Court. These currently have outlook over police station car park.

-There would be loss of daylight to bedroom windows of flats in Wentworth Lodge.

In terms of the impact on the rear windows of Hartnell Court, there would be a material impact on the amenities of the residents at these properties. It should be noted that, in the opinion of officers any development over this area is likely to be necessary to deliver a viable scheme on the site. Given the siting of the windows at relatively low level and their relationship to the site it is difficult to see how the site could be developed without some impact.

Given that the nature of the impact on the bedrooms at Wentworth Lodge, as well as the nature of the rooms (Secondary bedrooms) it is not considered that the impact on the residents of Wentworth Lodge would be so great as to warrant refusal of the application, given the overall benefits of the proposals in respect of delivering housing.

5.1.2 Outlook & Visual Impact

The development at ground and first floor would be located between 7.5m and 10.5m from Wentworth Lodge to the rear. At second floor this would increase to 12.5m to 13.5m. At fifth floor this would increase to 17.9m and at sixth floor this would increase 18.2m.

The development would be visible from the rear windows of the block of flats at Wentworth Lodge. It should be noted that the proposed building though taller would be sited further away from this property. Taking into account the distance away, it is not considered that harmful loss of outlook would result. It is not considered that the additional height would

make the development appear overbearing or unduly dominating as perceived from the rear windows of Wentworth Lodge or houses on Wentworth Avenue.

The block to Gruneisen Road would be sited to the rear of the windows and garden to Hartnell Court. Given the relatively close proximity, there would be a material impact on the amenities of the residents at these properties. However this would be limited given the difference in levels, as the site is at a lower level. It should be noted that, in the opinion of officers any development over this area is likely to be necessary to deliver a viable scheme on the site. It is not considered that a harmful sense of enclosure would result though there would be some loss of outlook.

5.1.3 Privacy

The proposed wall facing Wentworth Lodge would not have clear glazed habitable room windows and as such overlooking would be limited. Whilst there are terraces these have been reduced in size and screens could be incorporated to prevent overlooking.

The development at ground and first floor would be located between 7.5m and 10.5m from Wentworth Lodge to the rear. At second floor this would increase to 12.5m to 13.5m. At fifth floor this would increase to 17.9m and at sixth floor this would increase 18.2m.

The proposed block to Gruneisen Road would not have windows facing Hartnell Court at it's closest point, and would be a distance of 10.5m away. Whilst the rear part of the block would have facing windows these are sited a distance of 17m away. Although these would not strictly comply with the 21m overlooking distance within the Residential Design Guidance SPD there is a difference in levels and these windows face the rear office at 197 Ballard's Lane rather than Hartnell Court. The windows facing Hartnell Court are located 21.3m away which is compliant.

It is therefore considered that the proposals would not result in harmful loss of privacy to neighbouring residents.

5.1.4 Noise/Disturbance

The proposals involve developing a former police station site as a mixed use scheme consisting 70 flats and café.

The main potential sources of noise are residents entering/leaving the premises, noise from open windows, use of communal areas and balconies.

The nearest residential properties are located to the west on Wentworth Avenue, Wentworth Lodge, to the north on Gruneisen Road, and properties on Ballard's Lane such as Hartnell Court.

The proposed balconies have been designed in a way to minimise noise escape. Similarly, the siting and extent of balconies has been amended to reduce potential noise to neighbouring residents.

Overall taking into account the former use of the premises as a police station it is not considered that the proposals would result in a material harm in terms of noise and disturbance to neighbouring residents as a result of the development.

5.1.5 Light Pollution

Given the sight layout, location of windows, it is not considered that harmful light pollution should result from the development. A condition could be attached to any grant of planning

permission to ensure that external lighting is considered especially for the proposed communal areas, balconies, and access areas.

5.2 Future Occupiers

5.2.1 Daylight/Sunlight

The applicant has provided a daylight/sunlight study regarding the proposed development. The applicant has provided additional details regarding the fenestration to the lower ground floor units after officers initially expressed some concern regarding the level of amenity for future residents. As amended the details would provide an acceptable level of amenity.

5.2.2 Privacy

Adequate privacy for future residents would be provided. It is not considered that harmful overlooking results either between units or from neighbouring properties.

5.2.3 Internal Space

The proposed units would all comply with the standards in the Mayor's London Plan.

5.2.4 Amenity Space

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 830 square metres of amenity space would be required to serve the development.

Amenity space is provided in the form of balconies and communal courtyard areas.

As part of amendments to prevent overlooking, the majority of units above ground floor would not have access to balconies though a small number would have access to balcony areas of up to 20 square metres. The size of balconies has been reduced following discussion with officers who expressed concerns regarding overlooking.

Ground floor units would have access to between 0-45 square metres of amenity space. The majority would have access to a small amenity area, with some of the flats on the Gruneisen Road block only having outlook over such areas. Front amenity areas have not been considered as private amenity space.

The courtyard area would provide benefit to residents however this could not be considered private amenity space given that it is overlooked by upper floor flats.

Whilst the level of amenity space provided would not comply with the Supplementary Planning Document on Sustainable design and Construction, it needs to be considered that the site is within a town centre and is located immediately opposite Victoria Park. It is therefore considered that the proposals would provide an acceptable level of amenity.

5.2.5 Playspace

According to the requirements of the London Plan, 35.8 square metres of playspace is required to serve the development. The applicant has advised that this cannot be

incorporated on site. Given the proximity to Victoria Park it is not considered that refusal on grounds of lack of provision could be justified.

6. Whether the proposals would have an acceptable impact on local security

The Metropolitan Police have not expressed any objection to the proposals, and at the time of writing the report were providing detailed comments.

7. Environmental and Sustainability Issues

7.1. Whether the proposals would have an acceptable impact in respect of noise pollution

The applicant has submitted an acoustic report with the planning application. Environmental Health officers have considered that the information is generally acceptable but have requested ventilation details and a noise report for proposed plant equipment.

It is recognised that an A3 use could generate noise and disturbance from the use as well as any associated plant and ventilation equipment. Therefore mitigation will be required to the new flats to ensure that any impact on residents would be acceptable, and a condition would be attached in the event of an approval to ensure that this is provided.

Conditions could be attached to any grant of permission to ensure adequate mitigation against noise from plant.

The applicant has not suggested hours of use for the café. These would need to be restricted by condition in the event of approval to protect the residents of the development and neighbouring properties.

7.2 Waste

The Council's refuse team have been consulted on the proposals. They have suggested that more area needs to be provided for bins associated with both the residential properties as well as the ground floor café. The applicant has indicated that these can be incorporated within the scheme.

7.3 Whether the proposals would have an acceptable impact in respect of air pollution

An air quality report accompanies the planning application.

The majority of the building is set back from Ballards lane. Mitigation measures include a mechanical ventilation system. This would be acceptable to Environmental Health officers subject to details. A condition would be attached in the event of an approval in order to provide mitigation ensure that the impact on future residents of the development would be acceptable.

Potential issues relating to dust during construction could be dealt through a construction management plan.

7.4 Whether the proposals would achieve an acceptable level of environmental performance

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

The applicant has provided an energy strategy. This indicates that Combined Heat and Power plant and photovoltaic panels can provide adequate reductions in CO2 emissions. At the time of writing the report the applicant had stated that they could achieve a reduction of 21%. This level of reduction is below the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and discussions are on-going at the time of writing the report.

In terms of water consumption, a condition would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

8. Whether the proposals would make adequate provision for accessibility

London Plan policy requires development to provide 10% of residential units to be wheelchair accessible or adaptable. Policy DM03 of the Adopted Barnet Development Management Policies requires development to comply with good accessibility principles. The applicant has confirmed that the scheme would comply with this and a condition would be attached to ensure compliance in the event of an approval.

9. Whether the proposals would make adequate provision for biodiversity

Policy DM16 of the Barnet Development Management Policies 2012 advises that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The applicant has submitted an environmental report which states that ‘ *a preliminary ecological appraisal has been carried out on the proposed site to identify in order to obtain a baseline for the site and provide recommendations for protecting and enhancing the biodiversity of the site. The site is currently of low ecological value as it is predominantly hard standing, and that the Proposed Development will improve on this by the inclusion of living roof areas and a landscaped courtyard. Where feasible, gardens will be planted with native species of low water demand to limit maintenance requirements*’.

Officers agree that the site is of low ecological value, and the proposed landscaping provides opportunities to improve the biodiversity contribution of the site.

10. Whether the proposals would have an acceptable impact on local drainage

The proposed drainage strategy has been reviewed by the Lead Local Flood Authority. They consider that the document is acceptable in principle and that conditions could be attached to any grant of planning permission in order to ensure that the development had an acceptable impact on local drainage.

11. Section 106 Issues

The development would be liable to make a contribution towards Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy. In accordance with the Supplementary Planning Document on Skills, Enterprise, Employment and Training, a section 106 agreement to provide 6 apprenticeships as part of the scheme would be sought.

5.4 Response to Public Consultation

Principle of Development

Development makes no provision for affordable housing – *Noted and this is of concern*
Uncertain what will happen after ten years, will the block be sold on – *The applicant has committed to the site for this time. After this the site can be used for unrestricted residential use*

Development is of excessive density – *Addressed in main report. Officers consider that whilst the development exceeds the standards within the density matrix given the accessible town centre location the density is justified*

Character/Appearance Issues

The buildings are too tall and out of scale with other buildings in the area. – *Addressed in main report*

Permission was refused to extend 197 Ballards Lane and nothing has changed since. – *The scheme at no.197 was refused because the extensions related poorly to the remainder of the building and therefore the circumstances are different. All planning applications are assessed on their own merits*

Development should be no higher than neighbouring buildings. - *All planning Applications must be assessed on their own merits*

Design is incongruous and doesn't reflect neighbouring buildings - *Addressed in main report*

Overdevelopment – *Whilst the development is more intensive than what is currently on site it is not considered that this would be harmful*

Lack of architectural quality – *Addressed in main report*

Lack of benefit to public realm – *It is considered that the development would make adequate contribution, given the limited scope to do this*

Amenity Issues

Development will have appearance of blank wall. - *Addressed in main report*

Loss of daylight and sunlight. - *Addressed in main report*

Loss of light to Hartnell Court, Wentworth Lodge and Wentworth Avenue - *Addressed in main report*

Overlooking to Hartnell Court, Wentworth Lodge and Wentworth Avenue and not clear if 21m overlooking distance will be met. - *Addressed in main report*

Noise arising from use and number of people within the building. - *Addressed in main report*

The proposals provide inadequate amenity space- *Addressed in main report*

Environmental Issues

Noise and dust during construction, particularly to disabled and elderly residents. – *Whilst it is acknowledged that development can cause disruption, this is principally covered by environmental health legislation and is not a reason for refusing planning permission. The applicant has provided a construction plan with the application and conditions could be attached in the event of approval in order to secure this.*

Highways Issues

Lack of parking proposed for the development or visitors – *Acknowledged*
It is already difficult to park outside CPZ hours. CPZ is known to have high occupancy. - *Acknowledged and Addressed in main report*
Additional residents using Gruneisen Road will make access dangerous competing with commercial uses - *Addressed in main report*
If residents are excluded from permits they will park on streets outside the CPZ which already suffer from parking stress - *Addressed in main report*
Parking surveys have not adequately measured parking streets and have included CPZ areas that are not representative - *Addressed in main report, though Highways officers have not questioned the methodology used*
Public transport will be overcrowded - *It is not considered that development of 70 flats would have significant impact*
Residents may cycle to cars parked elsewhere - *It is not considered that this is likely to have significant impact*
Lack of cycle facilities – *proposed cycle storage is considered adequate*

Other Issues

Finchley already has enough cafes and doesn't need more. – *The site is within a town centre and therefore a café use would accord with policy. Competition is not a planning issue*

Will be occupied by more transient community which will impact the local community. – *The proposals are for build to rent flats that would be managed, and these would be open to the market. Therefore anyone could live in the flats, they would be open to anyone. As such it is not considered that the residents would be more transient than other forms of residential accommodation that would be expected in town centres.*

Not enough school or doctors places to support development - *The development would make a contribution to local infrastructure through Barnet Community Infrastructure Levy*
How will development be maintained – *The Development would have an on site manager. Conditions could be attached in the event of approval in order to secure high quality materials and landscaping.*

Appears to involve building on neighbouring land – *The applicant advises that they own the land within the site plan and that part of the area adjoining the site has been disputed. Ultimately boundary disputes are not a planning consideration*

Increased antisocial behaviour – *The Metropolitan Police have been consulted on the proposals and consider that the proposals comply with secured by design principles, and as such would not compromise the security of local occupiers.*

This sort of residential accommodation is not needed and does not help residents in the area – *Evidence shows that Private Rental Accommodation is needed both in Barnet and London wide*

Impact on security for residents - *The Metropolitan Police have been consulted on the proposals and consider that the proposals comply with secured by design principles, and as such would not compromise the security of local occupiers.*

Fact that developer is in competition with developers building for sale is not relevant - *Acknowledged*

The representations received can be summarised as follows:

Police station needs to be developed - *Acknowledged but the merits of the development must be considered.*

Parking is already limited and this will not change - *Addressed in the main report.*

Economic and social benefits to the area - *Noted but must be balanced against any harm caused*

An objection was received from Mike Freer MP on the following grounds:

The proposed development would breach the local roofline, and would be harmful to the area as a result of its massing, bulk and intensification. - *Addressed in main report*

Correspondence was received from the Finchley Residents Group objecting to the proposals for the following reasons:

-Lack of affordable Housing - *Acknowledged.*

-Development is too high and does not relate well to local character - *Addressed in main report*

-Overshadowing, loss of daylight and sunlight - *Addressed in main report*

-Access to Gruneisen Road is unsuitable for a quiet road - *Addressed in main report*

-Development is out of scale with its surroundings - *Addressed in main report*

-Development does not provide adequate amenity space for upper floor flats - *Addressed in main report*

-Development does not provide adequate green space or areas for wildlife - *Addressed in main report*

-Lack of parking provision to serve the development - *Acknowledged*

-What happens after 10 years, will developer sell the complex – *The applicant has committed to the site for this time. After this the site can be used for unrestricted residential use*

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 and mixed use accommodation for which there is known demand.

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 development can cause noise, dust, and disturbance; and that children, disabled and elderly road users are

more likely to be affected by this it is considered that these impacts are adequately mitigated by the proposals. Officers have found that the development cause harm in some regards to planning matters however in reaching this view they are of the view that this would not discriminate against any group with a protected characteristic, whether the development is approved or refused.

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.

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

Officers have assessed the proposals and the benefits of the scheme need to be weighed up against the harm caused.

The scheme would have notable benefits, in that it would make provision for managed private rental sector housing for a period of 15 years, and would add to the borough's housing stock. This is a significant benefit.

This needs to be weighed against the harm considered to be caused, namely:-

- The impact on highway safety caused by the lack of provision for car parking and any mechanism to mitigate any impact on the public highway

- The lack of affordable housing provision

- The relationship of the building to Ballards Lane to neighbouring buildings appearing out of scale.

- The impact on the residents of the first floor of Hartnell Court through loss of outlook and light.

Officers consider that the harm caused by the relationship of the Ballards Lane to neighbouring buildings is outweighed by the benefits of providing development within the town centre and needed housing units. Furthermore, any scheme on the site is likely to have a similar level of impact at Hartnell Court and officers are of the view that this should not preclude development on the site.

However, the harm caused by the lack of affordable housing provision, as well as the impact on highway and pedestrian safety are considered to be so great that they outweigh any benefits of the development. Therefore, the scheme is recommended for refusal.



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Location 102 Holders Hill Road, London NW4 1LL

Reference: 16/3581/FUL

Received: 1st June 2016

Accepted: 13th June 2016

Ward: Finchley Church End

Expiry 8th August 2016

Applicant: Mrs Lev

Proposal: Conversion of a single family dwelling into 2 self-contained residential units.
Single storey rear extension.

AGENDA ITEM 13

Recommendation: Approve subject to conditions

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

Proposed

- 3603/P004 Rev B (received: 01/06/16).
- 3603/P005 Rev B (received: 01/06/16).
- 3603/P002 Rev C (received: 12/07/16).
- 3603/P006 Rev C (received: 12/07/16).
- 3603/P007 Rev C (received: 12/07/16).
- 3603/P003 Rev C (received: 12/07/16).

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 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).

- 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 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.

- 5 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.

- 6 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).

- 7 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 10% 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).

- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 3603/P002 Rev C; 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):

- 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 £630.00 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 £2,430.00 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 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.

- 0 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 relates to a terraced single family dwellinghouse.

There are no specific restrictions on site.

2. Site History

3. Proposal

The proposal includes:

- Conversion of a single family dwelling into 2 self-contained residential units consisting of 2 bedroom unit arranged on ground and first floors and 1 bedroom unit within the roof space.
- Single storey rear extension.

4. Public Consultation

Consultation letters were sent to 64 neighbouring properties.

5 letters of objection have been received.

Summary and comments below:

- Harm the character of the area
- Light pollution
- Over intensification of use
- Inadequate parking
- Noise travel between units
- Noise and fire hazard
- Inaccurate plans
- Loss of a family unit
- No emergency exits

5. Planning Considerations

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 2016

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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08 and DM17

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The principle of flats in this location
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers.
- v. Parking and highways

5.3 Assessment of proposals

The principle of flats in this location :

Holders Hill Road is characterised by a mixture of single family dwelling houses, purpose built flats and conversions. Given the mix character of the area, the principle of conversion of this property in this location is considered acceptable and in accordance with policy DM01 of Barnet's Development Management Policies DPD (2012).

Whether the proposal provides a satisfactory living environment for future occupiers:

Floor Area :

The following units are proposed:

Duplex	2 bedroom 4 person	89.08m ²
Upper Flat	1 bedroom 2 person	51.7m ²

Both units would exceed the minimum unit size requirements set out in the London Plan (2016).

Density

With regard to the London Plan 2016 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 1b. The site is approximately 0.0282 hectares in size and the development includes 2 self-contained flats. Calculations show that the proposed scheme's density is approximately 24 units per hectare and is consistent for the density range for its context and the guidelines in the London Plan (2016).

Amenity Space:

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm).

While the ground floor unit has been provided with sufficient amenity space the upper flat has not. There are however site specific material considerations to take into account. First, this unit slightly exceeds the minimum unit size set out in the London Plan (2016) and this additional internal space is considered to compensate for the lack of outdoor amenity space. Second, the site is located within a short walk of local parks which are considered reasonable substitutes when read in conjunction with the oversized unit highlighted above.

Internal Stacking:

Policy DM04 part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. The stacking is considered acceptable and would limit noise transfer between flats (subject to compliance with the attached conditions).

Light/outlook:

All habitable rooms are considered to benefit from sufficient light and outlook to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

The impact on the amenities of neighbouring occupiers

As the road is characterised by a mixture of conversions and single family dwellinghouses and the proposal is for a one additional unit at the property the comings and goings associated with the proposed units are unlikely to cause significant noise and disturbance

likely to harm the living conditions of neighbouring occupiers. It should be noted that the number of people introduced in the two units would be 6 in total which would be the same number of people accommodating in a single family dwelling house.

The depth of the single storey rear extension has been reduced to 3m which complies with the councils residential design guidance on extensions also this extension could be constructed under permitted development rights as long as this is implemented prior to the conversion of the property. The amended extension is now of a sufficiently shallow depth to avoid any loss of light or outlook to either neighbouring occupier and considered acceptable.

The Impact on the appearance and character of the area:

The proposed 3m deep single storey rear extension is a subordinate addition to the host property and in keeping with the character of the area. Subject to the attached conditions, this element is considered acceptable.

Parking and Highways

Plan no. 3603/P002 Rev B shows two off street parking spaces which would meet the requirements of Policy DM17 (Barnet's Development Management DPD 2102).

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. Response to public consultation

Harm the character of the area: Address in 'assessment of proposals' above.

Light pollution: The proposed rooflight would not produce the level of light spill which may warrant refusal of the application on these grounds alone.

Over intensification of use: Address in 'assessment of proposals' above.

Inadequate parking: Address in 'assessment of proposals' above.

Noise travel between units: Address in 'assessment of proposals' above.

Units would create fire hazard and no emergency exits: Such issues would be addressed through the building control process and therefore attributed limited weight in this instance.

Inaccurate plans: The plans are considered to reflect the existing situation on site.

Loss of a family unit: The two bedroom unit would appeal to small families.

9. 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.

