

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 19TH JANUARY, 2017

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 MA (Hons)

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: Abigail Lewis, abigail.lewis@barnet.gov.uk, 0208 359 4369

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
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)	
	Woodhouse	
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10.	The Sternberg Centre - 14/07798/S73	103 - 116
	Golders Green	
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12.	Planning Enforcement Quarterly Update	131 - 138

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14.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

7 December 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Melvin Cohen
Councillor Arjun Mitra
Councillor Shimon Ryde

Councillor Jim Tierney
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

The Chairman noted that the agenda for meeting listed Councillor Jack Cohen as a sitting member of the committee, when it should have read Councillor Melvin Cohen.

RESOLVED – That the minutes of the meeting held on 2nd November 2016 be 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	Detail
John Marshall	7	Non-pecuniary	<p>That the councillor is a council-appointed non-executive director of the Barnet Group, which includes Barnet Homes.</p> <p>Due to this interest, Councillor John Marshall stated that he would leave the room during the discussion and voting on the item.</p>
Arjun Mitra	13	Non-pecuniary	<p>That the councillor's mother is the owner and manager of a nursery in Finchley Central.</p>

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The committee noted the addendum to the main report, and considered its contents when deliberating the relevant applications.

6. 37 MOSS HALL GROVE - 16/2845/FUL

The Planning Officer introduced the application, which related to 37 Moss Hall Grove.

An oral representation in objection to the application was heard from Ms Anne Kruse, speaking on behalf of Mr Kieran Kettleton.

An oral representation in support of the application was heard from Mr Chris Naylor.

Councillor Brian Salinger then made an oral representation in objection to the application.

A final oral representation was heard from the applicant's representative.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application. Votes were recorded as follows:

For	3*
Against	3
Abstain	1

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

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

7. 1 TO 11 ADDISON WAY GOLDERS GREEN LONDON NW11 6AL - 16/2858/FUL

Following the declaration he made at the beginning of the meeting, Councillor John Marshall excluded himself for the discussion and voting on the item.

The Planning Officer introduced the application, which related to 1 to 11 Addison Way, Golders Green, London, NW11 6AL.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application. Votes were recorded as follows:

For	6
Against	0
Abstain	0

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

8. 205 HIGH ROAD LONDON N2 8AN - 16/5409/FUL

Councillor John Marshall re-entered the meeting for the discussion on and deliberation of this, and all pursuing, items.

The Planning Officer introduced the application, which related to 205 High Road, London, N2 8AN.

An oral representation in objection to the application was heard from Mr Kyri Joannou.

During the course of discussion, Councillor Mitra moved a motion to add a condition to the officer’s recommendation to restrict the use of any fan installed in association with the ventilation and extraction equipment to operate only during the licensing hours of the premises.

The committee unanimously agreed the motion.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application. Votes were recorded as follows:

For	6
Against	0
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer’s report and additional condition, which is as follows:**

Additional Condition:

Any fan installed in association with the ventilation and extraction equipment hereby approved shall operate only during the licensing hours of the premises.

Reason: To protect the amenities of neighbouring residents 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).”

9. 2 GREEN CLOSE LONDON NW11 6UX - 16/4681/HSE

The Planning Officer introduced the application, which related to 2 Green Cloe, London, NW11 6UX.

An oral representation was heard from the applicant’s representative.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application. Votes were recorded as follows:

For	6
Against	0
Abstain	1

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

10. 279 GOLDERS GREEN ROAD LONDON NW11 9JJ - 16/5589/FUL

The Planning Officer introduced the application, which related to 279 Golders Green Road, London, NW11 9JJ.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application. Votes were recorded as follows:

For	4
Against	1
Abstain	2

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

11. BRITANNIA HOUSE 960 HIGH ROAD LONDON N12 9RY (TOP FLOOR) - 16/6697/FUL

The Planning Officer introduced the application, which related to Britannia House 960 High Road (top floor), London, N12 9RY.

An oral representation was heard from the applicant's agent.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application. Votes were recorded as follows:

For	5
Against	2
Abstain	0

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

12. BRITANNIA HOUSE 960 HIGH ROAD LONDON N12 9RY LONDON N12 9RY (2 STOREY SIDE) - 16/6693/FUL

The Planning Officer introduced the application, which related to Britannia House 960 High Road (2 storey side), London, N12 9RY.

An oral representation was heard from the applicant's agent.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application. Votes were recorded as follows:

For	4
Against	3
Abstain	0

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

13. LAND ADJACENT TO 37 AND 39 LESLIE ROAD LONDON N2 8BN - 16/6346/CON

The Planning Officer introduced the application, which related to land adjacent to 37 and 39 Leslie Road, London, N2 8BN.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application. Votes were recorded as follows:

For	6
Against	1
Abstain	0

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

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

None.

The meeting finished at 8.33 pm

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Location 124 Friern Park London N12 9LN

Reference: 16/7238/FUL

Received: 14th November 2016

AGENDA ITEM 5

Accepted: 14th November 2016

Ward: Woodhouse

Expiry 9th January 2017

Applicant: Mr Adrian Bohr

Proposal:

Demolition of the existing dwelling and construction of a three storey detached building including a fourth floor within a setback roof level, comprising of 8no. self-contained flats, provision of 9no. off-street parking spaces, associated refuse bin storage, cycle storage and amenity space

Recommendation: Approve subject to conditions

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

07787_BA_00 Rev P01; 01187_BA_01 Rev P01; 01187_BA_02 Rev P01; 01187_BA_E_01 Rev P01; 01187_BA_E_02 Rev P01; 01187_BA_E_03 Rev P01; 01187_BA_E_04

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 shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 6 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 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.

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing 122 and 126 Friern Park 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).

- 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 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).

- 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 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).

- 12 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.

- 13 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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 Polices 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 applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 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 application site consists of a detached dwelling house on the southern side of Friern Park. The street is characterised by a mixture of dwelling types and building types. Adjoining the site to the east is a two storey building which has been converted into flats. The adjoining building to the west is a newly constructed block of flats which has been built to replicate the adjoining dwelling to form a semi-detached pair. Within the street on both sides of the road are substantial purpose built flatted blocks. Architectural styles fluctuate in respect of traditional dwelling house types to rectangular flat roof blocks with large footprints.

The road slopes from west to east downhill and significantly downhill from the street frontage to the site's rear boundary with significant steps down from the ground floor level. There is a front forecourt laid to hardstanding with a garage to the eastern flank of the building. There is substantial mature planting and landscaping particularly to the side and rear gardens of the property.

The site is not in a conservation area. The site is not a listed building and the application property is not within the setting of a listed building. There are no Tree Preservation Orders affecting the site.

2. Site History

Reference: 16/4307/FUL

Address: 124 Friern Park, London, N12 9LN

Decision: Refused

Decision Date: 12 October 2016

Description: Demolition of the existing dwelling and construction of a three storey detached building including a fourth floor within a setback roof level, comprising of 8no. self-contained flats, provision of 9no. off-street parking spaces, associated refuse bin storage, cycle storage and amenity space.

The above application was refused at Committee by Members for the following reasons:

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

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

The decision is currently being appealed to The Planning Inspectorate.

Reference: 15/06884/FUL

Address: 124 Friern Park, London, N12 9LN

Decision: Refused

Decision Date: 18 February 2016

Description: Demolition of existing dwelling and construction of a new three storey property with 8no self-contained flats with balconies and terraces and patio. Associated parking and cycle storage, landscaping, refuse storage and amenity space.

The above application was refused at Committee by Members for the following reasons:

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

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

The application was appealed and allowed by The Planning Inspectorate in February 2016, reference: APP/N5090/W/16/3153155:

The Inspectors comments on the proposals included;

"Character and appearance

6. The proposed building would have a relatively deep plan. I note the Council's point that where existing houses have a deep plan form, roof forms and lower heights of rear additions break up the overall mass. However, I saw on my site visit that there are flat roofed blocks in the immediate vicinity of the appeal site which have comparable depth of plan and that elsewhere in the street there are blocks with very long continuous ridges. Friern Park is not within a conservation area and none of the adjacent buildings are Listed. The architectural diversity of the street is part of the character of the area. Within this context I do not consider that the design, height, and massing of the proposed building would be inconsistent with its surroundings.

8. I saw on my site visit that there are other examples of parking at the rear of flatted developments on Friern Park. Whilst I note the Council's point that these parking areas were created in either larger gardens or as part of the redevelopment of several plots, parking at the rear of developments is nevertheless an established feature in the area and, as previously noted, the Council is not contending that the development would result in an inadequate level of amenity space for the future occupiers. Therefore this would not be inconsistent with other developments in the street.

Living conditions of adjoining residents

12....The Council's reason for refusal focuses solely on detriment caused by noise and disturbance

13. The appellant has submitted a noise assessment with the appeal which concludes that the noise levels generated by the use for parking cars would only result in minimal increases in noise levels and that the resultant noise levels would be well within the guidelines contained in the British Standard. The noise assessment also recommends the provision of an acoustic fence to further mitigate possible noise from vehicle movements. However, as the noise levels would not exceed the guidelines in the British Standard, it is not necessary to require its installation through a planning condition.

Other matters

17. The proposed development would provide 8 car parking spaces, which is in line with the Council's car parking standards, and whilst the development would result in additional vehicles movements to and from the site, Friern Park has a wide carriageway and is not heavily trafficked and, consequently, I am satisfied that the development would not cause harm to highway safety in the area. No substantive evidence has been submitted by either party in respect of local housing need, and whilst the proposed development would result in the loss of a family sized house, it would lead to an increase in overall housing supply which would be consistent with the objective of the Framework to boost the supply of housing. I note that the Council have not raised any concerns in respect of these matters."

3. Proposal

This application seeks consent for the demolition of the existing dwelling and construction of a three storey detached building including a fourth floor within a setback roof level, comprising of 8no. Self-contained flats, provision of 9no. Off-street parking spaces, associated refuse bin storage, cycle storage and amenity space.

It should be noted that this application proposes the same designed flatted development scheme as was previously refused by Members under reference 16/4307/FUL. The development is sought again as the earlier application for a similar scheme detailed above, reference 15/06884/FUL has been allowed in 2016.

There is no restriction stopping the applicant from submitting this further application.

4. Public Consultation

113 consultation letters were sent to neighbouring properties.
9 objections have been received

The views of objectors can be summarised as follows;

- Noise and pollution
- Out of character
- Lack of privacy
- No affordable housing
- Over-development
- Impact on traffic
- Loss of garden to provide parking unacceptable
- Destruction of historic family home

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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The acceptability of the proposed new self-contained f
- 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

This application follows the previously refused and allowed at appeal schemes, and shows the same scheme as applied for under the previous application, reference 16/4307/FUL. The applicant has submitted this scheme in the hope that the committee will take a different view in light of the previously allowed appeal.

Principle of development and Impact on character of the area

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

From conducting the site visit it was clear that the character of Friern Park consists of a variety of architectural styles and materials including traditional family dwellings houses, along with a range of detached flatted developments of varying ages. The proposed scheme shows a detached three storey block with a modern design.

The replacement building is noted as taller and deeper than the existing development, however, as the existing street scape sees a variety of building heights and does not benefit from an established front or rear building line, or design characteristic the proposed development is not considered to disrupt any uniformity in the street scene. The proposed depth is considered to be comparable to other developments in the area as shown in the submitted Design and Access statement.

It is therefore considered that the proposed demolition of the existing single dwelling house to provide a three-storey flatted development with set-back penthouse floor, of 8 units would not be detrimental to the established character of the area.

The proposed dwellings would represent an increase to the density of development on the site, however, given the mixed character within the street comprising purpose built flatted blocks and converted units, it is considered that the proposed composition of the development to incorporate eight units within a detached block would not be out of keeping or out of character with any established typology in the street.

The design of the development proposed under this application, as with the last, takes on a modern style showing a mainly brick-built building with projecting brick pattern, with both the roof and entrance will be clad in dark grey.

It is considered that due to range of architectural styles found along Friern Park the proposed development would not appear out of character and the resultant development has been successful in replicating the massing, bulk and form of properties in the local area.

The proposed development is therefore considered to be acceptable in principle. This can be further supported by the appeal decision of last year which gave consent for the demolition of the existing building and erection of new flatted development. Whilst this appealed scheme showed a more traditionally designed building it is considered that the current scheme for more modern designed development would not appear out of character with the existing diverse range of architectural styles found within the road.

Living conditions of future occupiers

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

The proposed development would provide the following accommodation:

F1-	2b3p:	61.5sqm
F2-	2b4p:	74.8sqm
F3-	2b4p:	72.6sqm
F4-	2b4p:	74.8sqm
F5-	2b4p:	72.6sqm
F6-	2b4p:	74.8sqm
F7-	1b2p:	50.9sqm
F8-	1b2p:	53.3sqm

These dwellings would meet the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 8 sq.

Furthermore the proposed development meets the requirement that glazing to all habitable rooms should not normally be less than 20%.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. A south-facing communal garden would be provided at the rear of the site providing 146m² of amenity space to all units.

In addition to this, flat one would have direct access to the area the the front of the site, whilst this is not considered to be quality amenity space, in addiiton to the private communal space at the rear it offers an extra area for enjoyment and planting for future occupiers. Flat 2 would have direct access to a private garden at the rear of the iste measuring 42m²; Flat 4 would have access to a private rear balcony measuring 7m²; Flat 6 would have access to a private rear balcony measuring 7m²; Flat 7 would have private access to a roof terrace measuring 9m² and Flat 8 would have access to a private roof terrace measuring 9m². Where necessary the balconies and roof terraces woud be fitted with obscure glazed privacy screens to prevent any overlooking and potential loss of privacy both to future and nieghbouring occupiers. Further details of the privacy screens are required through condition.

An appropriate area for the storage of recycling and refuse bins has been provided for each new dwelling towards the front of the site. A cycle store is proposed at the rear of the site, whilst the positioning of the store is considered to be acceptable no details have been provided regarding its appearance. This is considered to be acceptable, although further details of the enclosures are required through the imposition of condition.

The site has a PTAL rating of 1. The proposed development offers one car parking spaces per units in line with Highways requirements. The parking facilities would be provided at the rear of the site, accessed via a ramp, in a similar manner to other flatted developments found along Friern Park, thereby reducing the impact on parking within the street. The parking spaces located closest to the development would be covered with a timber pergola to reduce the noise and improve the visual impact to both future and neighbouring occupiers. A disabled bay would be provided at the front of the site.

Impact on neighbours

In order to further reduce the impact of introducing car parking to the rear of the site, it is proposed to erect a 1.8m high acoustic barrier fence along the sides and rear of the site to absorb noise and mitigate against any potential disturbance and loss of amenity to neighbouring occupiers. Furthermore, the rear planting will be retained to provide a natural landscape barrier which will give extra visual and noise protection.

It should be noted that in regards to the parking provision, which is shown to be sited towards the rear of the site, behind the proposed new block; the current application is the same as the previous applications, including the allowed appealed scheme.

The provision of car parking to the rear of the site has been deemed acceptable by The Planning Inspectorate in relation to the earlier appealed scheme. Indeed the Inspector noted that the proposals would not give rise to any loss of amenity to neighbouring occupiers due to boundary fencing and would not be out of character as other existing sites have similar set-ups and therefore this arrangement can be considered to be an established feature of the area.

The proposals are considered to be acceptable. 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.

5.4 Response to Public Consultation

Whilst the loss of this attractive family home is regretted, the existing building holds no specific heritage designation and the site is not located within a Conservation Area, and therefore the building holds no protection with which to prevent its demolition.

In regards to the concerns raised regarding the design and appearance of the replacement dwellings, it is considered that that proposed new buildings will respect the varied appearance of the streetscene and not result in any loss of amenity to neighbouring occupiers or the wide vicinity. Details of the proposed materials to be used are required by condition, this will ensure that the development is successfully implemented.

In regards to the parking issues raised, the development offers one car parking space per unit; number of car parking spaces is considered to be sufficient for a development of this type. Other developments along Friern Park benefit from a similar arrangement which see the car parking provided at the rear of the site and therefore the proposed development is not considered to be an out of character development

It should be noted that the scale of the proposed development which proposes 8 new flatted units does not trigger the requirement for affordable housing. Policy DM10 of the Development Management Policies notes that affordable housing must be provided at "all new sites providing 10 or more units gross or covering an area of 0.4ha or more."

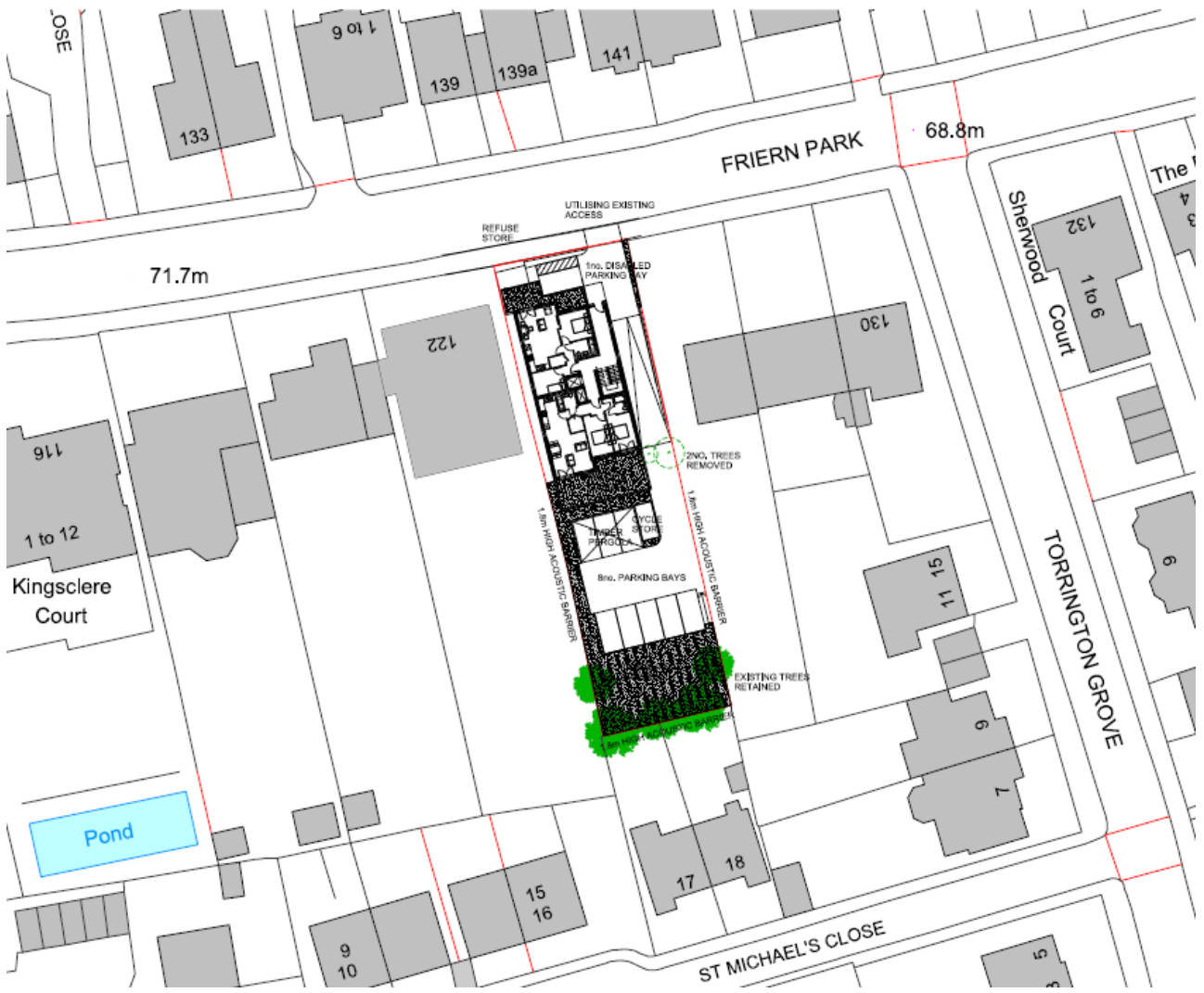
To address the concerns regarding noise and disturbance during construction a condition restricting construction working hours is suggested.

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 support 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 **24 Oak Grove London NW2 3LP**

Reference: **16/6733/HSE**

Received: 20th October 2016

Accepted: 2nd November 2016

Ward: Childs Hill

Expiry 28th December 2016

Applicant: Mr sia tabibi

Proposal: First floor rear extension

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

01 Rev. A

02 Rev. B

03 Rev. A

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

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

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) on the rear flank wall of the first floor rear extension 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 October 2016).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is a two storey terraced dwellinghouse on the western side of Oak Grove. The application site shares a party wall with both No. 22 Oak Grove and No. 26 Oak Grove. No. 22 Oak Grove is positioned on the application site's northern flank and No. 26 Oak Grove is positioned on the application site's eastern flank. No. 17 Elm Grove is located to the west of the application site.

The terrace property on the application has an existing two storey rear outrigger that projects 4.5 metres in depth from the rear elevation wall. The rear outrigger has a flat roof with a height of 6.1 metres. It has a width of 3.4 metres.

The terrace property on the application site benefits from a single storey rear extension that was approved under application 16/1336/PNH on 11/04/2016. It projects 4 metres in depth from the rear flank wall of the two storey rear outrigger. It has a flat roof with a height of 3 metres and a parapet above the roof with a height of 3.3 metres. It has a width of 3.4 metres.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Ref: 16/4621/HSE

Address: 24 Oak Grove, London, NW2 3LP.

Proposal: First floor rear extension.

Decision: Withdrawn.

Decision Date: 29 September 2016

Ref: 16/2955/HSE

Address: 24 Oak Grove, London, NW2 3LP, .

Proposal: First floor rear extension. Roof extension involving rear dormer window with balcony, 2no. rooflights to front elevation to facilitate a loft conversion..

Decision: Refused.

Decision Date: 30 June 2016

The proposed rear dormer window and balcony was refused for two reasons. Firstly, due to its design, size and siting, it was considered to represent an incongruous addition to the host property, detrimental to the character and appearance of the application property and surrounding area. Secondly, the proposed balcony would result in the harmful overlooking and loss of privacy to neighbouring residential occupiers.

Ref: 16/1336/PNH

Address: 24 Oak Grove, London, NW2 3LP.

Proposal: Single storey rear extension with a proposed maximum depth of 4 metres measured from original rear wall, eaves height of 3 metres and maximum height of 3.3 metres.

Decision: Prior Approval Required and Approved.

Decision Date: 11 April 2016

Ref: 16/1064/PNH

Address: 24 Oak Grove, London, NW2 3LP, .
Proposal: Rear extension.
Decision: Prior Approval Required and Refused.
Decision Date: 23 February 2016

Ref: 16/0767/PNH
Address: 24 Oak Grove, London, NW2 3LP.
Proposal: Single storey rear extension.
Decision: Prior Approval Required and Refused.
Decision Date: 11 February 2016

3. Proposal

The erection of a first floor rear extension. The proposed first floor rear extension projects 1.1 metres in depth beyond the rear flank wall of the existing two storey rear outrigger. It is built above the existing single storey rear extension. It has a flat roof with a height of 6.1 metres. There are 2 windows on the rear flank wall of the proposed extension.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties.
11 objections were received in response

The objections concerned the following issues:

- Due to its excessive bulk, the proposed extension would be an incongruous addition to the application site and it would have a negative impact on the character of the streetscene.
- The proposed extension would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss daylight/sunlight and a loss of outlook.
- Due to its fenestration, the proposal would overlook the windows and the rear amenity space of neighbouring and adjoining properties.
- The recently constructed ground floor rear extension already restricts daylight/sunlight from the windows and the rear amenity space of neighbouring and adjoining properties. The proposed first floor extension exacerbates this problem.
- The proposal would result in a larger number of tenants occupying the property causing the occupiers of neighbouring and adjoining properties to suffer a loss of amenity as a result of noise and disturbance.
- If this application is approved then it will set a precedent allowing further, bulkier, extensions to be approved on the application site and in the surrounding area.
- The recently constructed single storey rear extension has a maximum height of 3.3 metres but permission was only granted for an extension that is 3 metres in height.
- The Council is more concerned about the aiding the applicant than it is about addressing the concerns of neighbours. The fact the applicant has constantly withdrawn applications and thereby avoided their determination, indicates an attempt to circumnavigate the planning policy framework.
- The amount of time that building works have been going on at the application site could constitute a legal nuisance.
- The proposal would result in a reduction in the house prices of neighbouring and adjoining properties.

A light report was submitted by an objector to demonstrate the impact of the proposal on neighbouring and adjoining properties.

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 MALP

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

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

Policies 3.4; 4.1; 4.4, 7.4, 7.6.

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, CS15.
- 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 (October 2016)

- 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 (October 2016)

- 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 proposal

Impact on character

A first floor rear extension should appear to be a subservient addition to the original terrace dwellinghouse. The proposed first floor extension has the same height and width as the existing 2 storey rear outrigger on the application site. As its depth is only 1.1 metres, the bulk of the proposed extension is not considered to be excessive. The windows on the rear flank wall of the proposed extension are of a similar size and shape to the existing windows on the first floor of rear elevation of the original terrace dwellinghouse. A condition shall be included requiring that the proposed extension is built using materials that match those of the existing terrace property. For these reasons it is considered that the proposal respects the architectural integrity of the original terrace dwellinghouse and it would not have negative impact on the character of the street scene.

Impact on neighbour amenity

The southern flank wall of the proposed first floor rear extension is positioned approximately 4.8 metres from the northern flank wall of the existing two storey rear outrigger at No. 26 Oak Grove. There are ground floor windows on the northern flank wall of No. 26 Oak Grove. Due to its size, height and position, the proposed first floor rear

extension would not harmfully reduce the daylight/sunlight received by these windows or the level of outlook from these windows.

The proposed first floor rear extension projects 1.1 metres from the rear flank wall of the existing two storey rear outrigger at No. 22 Oak Grove. There is a window and glazed door on the first floor of the existing two storey rear outrigger at No. 22 Oak Grove. Due to its limited rear projection, size, height and position, the proposed single storey rear extension is not considered to cause the occupiers of No. 22 Oak Grove to suffer a material loss of daylight/sunlight or outlook from these windows.

Due to its size, height and position, the proposal is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of daylight/sunlight and nor is it considered to have an overbearing impact on these properties.

The windows on the rear flank wall of the proposed first floor rear extension overlook the rear amenity spaces of neighbouring and adjoining properties. As these windows serve a bathroom a condition shall be included requiring that they are to be obscure glazed.

5.4 Response to Public Consultation

The following concerns have been addressed elsewhere in the report:

- The visual impact of the proposal on the character of the streetscene.
- The impact of the proposal on the amenity of neighbouring and adjoining occupiers.

Material planning considerations:

- Every planning application is assessed on its own merits. If this application were to be approved then it would not permit incongruous forms of development to be allowed in the local area.
- The application site is a single family dwellinghouse. If the application were to be approved it would not permit the applicant to allow a large number of tenants to occupy the property. If the applicant wishes to convert the property into flats then a planning application would have to be submitted to the Local Planning Authority.
- The light report does not refer to any measurements, benchmarks or guidelines, it is not drawn to a statement metric scale and its depiction of the size of the proposed extension appears to be inaccurate. For this reason little weight was given to it when the proposal was assessed.
- The level of advice the Local Planning Authority has given to the applicant on this application as well as the other previous applications is not considered to be above and beyond the usual advice given. It is open to the applicant if they wish to withdraw proposals.

The following concerns are not material planning consideration:

- The impact of the proposal on house prices in the area.
- The impact that the construction works on site would have on the amenity of neighbouring and adjoining occupiers.

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 129 The Vale London NW11 8TL

Reference: 16/7691/FUL

Received: 2nd December 2016

Accepted: 2nd December 2016

Ward: Childs Hill

Expiry 27th January 2017

Applicant: Mr B. Glass

Proposal:

Conversion of the existing single family dwelling into 4no. self-contained units including part single, part two-storey side and rear extension following demolition of existing garage. New bay windows to front elevation and relocation of front entrance. Extension to roof including 1no rear dormer window and 1no dormer window to both sides. Associated site works including bin store area at front and cycle storage at rear garden.

AGENDA ITEM 7

Recommendation: Approve following legal agreement

- 1 The development hereby permitted shall be carried out in accordance with the following approved drawing and document: 129TV-PP3-03A Proposed Floor Plans and Elevations and the Design and Access statement by Tal Arc.

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

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

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

- 3 Before the development hereby permitted is occupied, the screened facilities for the storage and collection of refuse containers as shown on drawing 129TV-PP3-03A Proposed Floor Plans and Elevations shall be provided in accordance with the approved details.

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

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

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

- 6 The approved development shall make provision for cycle parking and cycle storage facilities in the location shown on drawing no. 129TV-PP3-03A Proposed Floor Plans and Elevations . Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 The amenity space shall be subdivided as shown on 129TV-PP3-03A Proposed Floor Plans and Elevations 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).

- 8 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).

- 9 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.

Informative(s):

- 1 Refuse collection points should be located within 10 metres of the Public Highway; unobstructed and suitable access needs to be provided to collection personnel. Dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 2 The applicant must ensure that any gate operation equipment is located within the site boundaries and does not encroach onto the public highways.
- 3 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 4 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.

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.

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.

- 5 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

1. Site Description

The site features 2 storey a single detached dwelling. It was observed during a site visit on 12 December 2016 that the extensions previously approved appeared to be under construction (refer Section 2 for further information). The site is not located within a Conservation Area, nor is a Local or Statutorily Listed Building. The site is within a Controlled Parking Zone (CPZ) that operates between 10-11am Monday-Friday, and features a Public Transport Accessibility Level (PTAL) rating of 2.

2. Relevant Site History

Ref: 16/0212/192

Type: Section 192 (Certificate of Lawfulness)

Description: Single storey side extension

Decision: Lawful

Date: 11 February 2016

Ref: 16/4086/PNH

Type: Prior Notification (Householder)

Description: Single storey rear extension with a proposed depth of 7 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Decision: Prior Approval Not Required

Date: 19 July 2016

Ref: 16/4913/HSE

Type: Householder application

Description: Part single, part two-storey side and rear extension with pitched roof following demolition of existing garage. New bay window to front elevation and relocation of front entrance. Extension to roof including 1no rear dormer window and 1no dormer window to both sides

Decision: Approve

Date: 8 September 2016

3. Proposal

The applicant proposes to convert an existing house into 4 flats, featuring 3 x 2B flats and 1 x 1B studio (in roof), 8 x cycle parks, 3 x car parks, 60m² of communal outdoor amenity space, and refuse storage.

It was observed during a site visit on 12 December 2016 that the construction of the previously approved extensions has commenced (refer Section 2 for further information). There are no proposed changes to the building envelope from consents 16/0212/192, 16/4086/PNH, or 16/4913/HSE. However, it should be noted that there are 3 additional windows. One obscured glazed window on the flank elevation to the first floor ensuite, one on the front elevation to Bedroom 2 in Flat 3, and one observed glazed section to the Kitchen/Living/Dining of Flat 1. Further, the rear of the first storey has been extended 0.5m to enlarge the proposed Kitchen/Living/Dining of Flat 3.

Note that the overall envelope was consented under 16/4913/HSE which was being implemented at the time of writing this report.

4. Public Consultation

37 consultation letters were sent to neighbouring properties.
A site notice was erected on 5 December 2016.

7 objections have been received.

The objections received can be summarised as follows:

- Adverse impacts on traffic flow
- Adverse impacts on amenity as a result of increased noise
- Adverse impacts on amenity as a result of increased overlooking
- Insufficient parking provided
- Adverse visual impact as a result of proposed refuse storage
- Adverse impacts on amenity as a result of increased traffic and parking demand during construction
- Loss of family housing
- Adverse impacts on drainage
- The proposed building does not positively contribute to the street architecturally
- The proposed flats do not offer a sufficient level of amenity to future occupiers

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, DM08, DM17.

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of flats is acceptable
- Whether the proposal 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 the provision of parking is acceptable
- Whether there is a sufficient level of amenity for future occupiers
- Whether the development would be sustainable

5.3 Assessment of proposals

Whether the principle of flats is acceptable

Assessment: Clause i of DM01 states that the "Loss of houses in roads characterised by houses will not normally be appropriate". 18, 85, 117, 133, 183, and 220 The Vale feature flatted development. It is therefore considered that The Vale is not necessarily characterised by houses and that there is a demand for flats in this area. As such, the principle of losing a single family house and converting 129 The Vale is considered acceptable on this basis.

Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene

Assessment: The envelope of the building has previously been granted by virtue of previous planning consents (LPA ref# 16/0212/192, 16/4086/PNH, 16/4913/HSE) which were being implemented at the time of writing this report. Given that these permissions are being implemented and no objection was raised previously with respect to the design, the proposal is not considered to be a visually obtrusive form of development which would detract from the character and appearance of the street scene. Therefore, it is considered acceptable in this respect.

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

Assessment: Arguably the most affected properties in this regard are those directly adjoining. During a site visit on 12 December 2016 it was observed that both adjoining properties featured limited openings to the side elevations facing the subject site. Further, on the ground floor obscured glazing is proposed to limit the outlook of future residents onto these properties. Further, windows on the second floor and in the roof are either obscured, or do not face a window of a habitable room or adjoining rear garden. With respect to the properties to the rear the proposal is between 28m and 50m to the closest

buildings. This is significantly greater than the 21m setback required by the adopted Residential Design Guide SPD. Moreover, the previously consented building envelope is already being implemented with the only changes being three additional windows which are either obscured or face the street. Therefore, the proposed is considered acceptable in this respect.

Whether the lack of onsite parking is acceptable

Assessment: The applicant is proposing 3 x 2B flats and 1 x 1B studio. Policy DM17 suggests that between 3 and 6 car parking spaces should be provided for a development such as this. The applicant has proposed 3 car parking spaces. Given the PTAL rating of 2, the parking provision should generally be towards the higher end. However, the site is also within a CPZ and the applicant has agreed to enter into a s106 agreement to restrict future occupiers from obtaining parking permits. Therefore, subject to the execution of the aforementioned s106 agreement, the development is considered acceptable in this respect.

Whether there is a sufficient level of amenity for future occupiers

Assessment: The proposal complies with the internal space standards and outdoor amenity space standards prescribed by the Sustainable Design and Construction SPD (adopted October 2016) and the current London Plan. Further, all units are double aspect allowing sufficient opportunities for light and cross-ventilation. Moreover, all units have access to outdoor amenity space, whether communal or individual as shown on dwg no. 129TV-PP3-03A. It is recommended that a condition be imposed to retain the outdoor amenity space in this configuration to ensure on-going access to this space for all future occupiers. Therefore, the proposal is considered acceptable in this regard.

Whether the development would be sustainable

Assessment: It is recommended that the application is conditioned to ensure that a maximum of 105 litres of water is consumed per person per day with 100% of the water supplied to the new dwellings by metered mains water. Given the minor nature of the development, this is considered to be sufficient to meet sustainability requirements.

5.4 Response to Public Consultation

Adverse impacts on traffic flow

Response: The site is within a CPZ and the applicant has agreed to enter into a s106 agreement to restrict future occupiers from obtaining parking permits. Therefore, subject to the execution of the aforementioned s106 agreement, the development is considered acceptable in this respect as it should reduce the parking demand of the development and subsequent traffic movements.

Adverse impacts on amenity as a result of increased noise

Response: It is acknowledged that the number of residents is likely to increase as a result of this development. However, the use will remain residential which is considered to be a conforming use and acceptable in this area.

Adverse impacts on amenity as a result of increased overlooking

Response: Arguably the most affected properties in this regard are those directly adjoining. During a site visit on 12 December 2016 it was observed that both adjoining properties featured limited openings to the side elevations facing the subject site. Further, on the ground floor obscured glazing is proposed to limit the outlook of future residents

onto these properties. Further, windows on the second floor and in the roof are either obscured, or do not face a window of a habitable room or adjoining rear garden. With respect to the properties to the rear the proposal is between 28m and 50m to the closest buildings. This is significantly greater than the 21m setback required by the adopted Residential Design Guide SPD. Therefore, the proposed is considered acceptable in this respect.

Insufficient parking provided

Response: The site is within a CPZ and the applicant has agreed to enter into a s106 agreement to restrict future occupiers from obtaining parking permits. Therefore, subject to the execution of the aforementioned s106 agreement, the development is considered acceptable in this respect as it should reduce the parking demand of the development.

Adverse visual impact as a result of proposed refuse storage

Response: The proposed refuse storage is offset approximately 5m from the street, behind the proposed car parking and screened. It is acknowledged that on refuse collection days that the bins will be dragged to the street. However, there is sufficient room on the frontage to accommodate the bins proposed. Therefore, the development is considered acceptable in this regard.

Adverse impacts on amenity as a result of increased traffic and parking demand during construction

Response: Given that the majority of the construction will be carried out in accordance with historic consents that have not required the provision of Construction Management Plans, it is not considered reasonable to impose a condition to this effect.

Loss of family housing

Response: 18, 85, 117, 133, 183, and 220 The Vale feature flatted development. It is therefore considered that The Vale is not necessarily characterised by houses and that the principle of converting 129 The Vale is acceptable on this basis.

Adverse impacts on drainage

Response: The site is located within Flood Zone 1 (low probability) and the proposal does not increase the impermeable area beyond that already permitted and currently being implemented.

The proposed building does not positively contribute to the street architecturally

Response: The envelope of the building has previously been granted by virtue of previous planning consents (LPA ref# 16/0212/192, 16/4086/PNH, 16/4913/HSE). Therefore, the proposal must be considered acceptable in this regard.

The proposed flats do not offer a sufficient level of amenity to future occupiers

Response: The proposal complies with the internal space standards and outdoor amenity space standards prescribed by the Sustainable Design and Construction SPD (adopted October 2016). Further, all units are double aspect allowing sufficient opportunities for light and cross-ventilation. Therefore, the proposal is considered acceptable in this regard.

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 policy and material considerations into account, the proposal would not detrimentally impact on the visual appeal of the street scene or local character, would not cause unacceptable harm to the living conditions of neighbouring residents, would not unacceptably impact on the highways with regard to increasing traffic and parking demand, and would provide a sufficient level of amenity for future occupiers. Therefore, the proposal is recommended for approval subject to the conditions contained herein.



Location 12 - 18 High Road London N2 9PJ

Reference: 16/2351/FUL

Received: 11th April 2016

Accepted: 26th April 2016

Ward: East Finchley

Expiry 26th July 2016

Applicant: Safeland PLC

Proposal: Demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1 office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space (AMENDED PLANS - MINOR CHANGES)

AGENDA ITEM 8

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Highways Improvements - an agreement to provide junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.
4. A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.
5. Car Club associated with the development
6. Commuted sum towards Affordable Housing - £850,000
7. Monitoring of the Agreement - £100

RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

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

HR-AGE01

HR-G-AG01 E

HR-G-AG02 D

HR-G-AG03 D

HR-G-AG04 E

HR-G-AG05 D

HR-G-AGP01 F

HR-G-AGP02 E

HR-G-AGP03 D

HR-G-AGP04 E

HR-G-AGP05 E

HR-G-AE01 D

HR-G-AE02 B

HR-G-AE03 A

HR-G-AE04 B

HR-G-AE05 C

HR-G-AE06 D

HR-G-AE07 C

HR-G-AE08 B

HR-G-AE09 A

HR-G-AE10 B

HR-G-AE11 B

Design and Access Statement

12-18 High Road - East Finchley Site Analysis

Daylight and Sunlight Report

Construction Management Plan

Transport Assessment

Revised Environmental Assessment

Planning Statement

Air Quality Assessment

Travel Plan

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

6 The development shall be implemented in accordance with the measures detailed within the approved construction management plan.

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).

7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened

facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

8 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).

9 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

10 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources,

pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

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

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

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

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

Part 2

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

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

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

12 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor office as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

13 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

14 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).

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

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

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

16 a) A scheme for air pollution mitigation measures based on the findings of the air quality report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

18 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.

19 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.

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

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

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

21 Before the development hereby permitted is first occupied or the use first commences the parking spaces, and cycle parking shown on Drawing No.HR-G-AG01D 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.

22 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).

23 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).

24 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.

25 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.

26 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To 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.

27 The ground floor of block A shall be used for an office and for no other purpose (including any other purpose in Class B1 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.

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 07/03/2017 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been demonstrated to the satisfaction of the Local Planning Authority that it would not be viable to provide affordable housing on the site or a contribution towards this. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £58,180.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £224,410.50 payment under Barnet CIL.

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 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(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

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

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

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

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

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

- 6 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 7 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.

- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The site is a plot of land on the east side of High Road within East Finchley Town Centre. The site is a rectangular plot of approximately 0.12 hectares.

The site is currently used by Greater London Hire (GLH) who operate the site as minicab and courier service.

The site contains a two storey building with pitched roof running alongside the southern boundary. To the rear of the site is a fenced off parking area with two storey demountable buildings. To the rear of the building it reduces to single storey.

To the immediate south of the site is Park House, a T-shaped two storey building containing a nursery. To the north is a parade of shops within a two storey building with rooms in roofspace.

Opposite the site is East Finchley Underground Station.

2. Site History

C07443 - Change of use of ground floor from Hostel to use as Municipal Offices and provision of additional car parking - Approved - 13/5/81

C07443A - Change of use of first floor from hostel accommodation to Local Government Municipal offices, provision of a footway and car parking - Approved 17/3/82

C00050N - Continued use as offices - Approved - 30/3/77

C00050R - Erection of a four-storey office building and 28 car parking spaces (outline) - Refused - 30/4/86

C00050S - Erection of a three-storey block of 12 flats and 14 car parking spaces - (outline) Refused - 1/10/86

C00050V - Use of land and buildings for a car hire business - Lawful - 27/6/91

C00050W/03 - Change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1) for a temporary period expiring 31 December 2005 - Approved - 20-07-2004

C00050W/03 - Change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1) for a temporary period expiring 31 December 2005. - Approved following legal agreement - 11.02.2004

C00050X/04 - Change of use from offices (Class B1) to mixed use, part offices, part control and despatch for private hire vehicles (Class B1/sui generis). - Approved - 30.11.2004

C00050Z/05 - Continued change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1). New application pursuant to C00050W/03 (which is due to expire 31.12.05). - Approved - 06.12.2005 - Split Decision at Appeal in relation to condition 7 (Allowed) and 8 (Dismissed) - 06.12.2005

3. Proposal

The proposals are for the demolition of existing buildings on site and the construction of residential development.

The development would take the form of two blocks.

Block A would be sited to the frontage of the site and would have a ground floor office (B1 Class) with residential units above.

Block B would be sited to the rear of the site and would be residential in use.

Both blocks would be four storeys in height. The upper two storeys would be recessed from the edges of the buildings.

The development would be for 21no. residential units in total.

Block A

Block A is sited to the frontage and would be

Ground Floor- 265sq m Office space

First Floor - 3x1 bed, 1 x2 bed

Second Floor - 2x2beds, 1 x 1bed

Third Floor - 1x2bed

Block B

Ground Floor = 2x2 bed, 1x3 bed

First Floor = 2x1bed, 2x2bed

Second Floor = 2x1bed, 2x2bed

Third Floor = 2x2beds

Further to initial consultation, the plans have been amended to reduce the size of the building and reduce the development to 21 units from 22.

Further amendments have been made in order to take into account the requirement for a lift and to make minor elevational alternations.

4. Public Consultation

Consultation letters were sent to 193 neighbouring properties.

32 responses have been received, comprising 31 letters of objection, 1 letters of comment.

The objections received can be summarised as follows:

Principle of Development

Doesn't make provision for larger units

Loss of jobs from existing facility

Density Excessive

Existing building (Formerly known as Valona House) is one of the oldest buildings in East Finchley and is of historic interest.

Design Issues

Overdevelopment

Proposals don't pay sufficient regard to Victorian houses on neighbouring roads

Poor Quality Design

Overpowers Park House and buildings on High Road

The materials, roofline, roof pitch, lack of eaves, gables, chimney stacks, dormer are not typical of development in the area.

Amenity Issues

Loss of light

Loss of privacy

Noise pollution

Neighbouring properties have not been represented correctly (Note no.9 Ingram avenue is 18.7m from development)

Daylight and Sunlight Report has not looked at internal layout of neighbouring properties and does not have full diagrams (Truncated). Development would be contrary to BRE guidelines as would go beyond 25 degree limit.

Houses on Ingram road are not North facing as stated within Daylight/Sunlight report – they are west facing

Noise assessment states that development will result in harmful noise, so needs to be fixed shut, which precludes ventilation

No consideration to noise from underground or increase to underground use has been considered.

Ceiling height of development is below 2.5m

Air Source Heat pumps will cause noise

Highways Issues

Proposals don't make provision for parking

Access issues for vehicles for commercial development, deliveries, fire access

Waste Management Issues

Access road will cause disruption in Town Centre

Other Issues

Schools in the area are over subscribed

Noise and disturbance during construction

Ecological impact

Impact of construction

The Finchley Society has objected on the following grounds:

'This application hardly differs from the previous application and therefore our previous comments still apply.

The development is too dense for this site. It is poorly designed and sits badly within its context. GLH House, formerly Valona House and then The Shrubbery that currently sits on the site dates from 1841 is one the few remaining historic houses of East Finchley and some consideration should be given to its Historic value to the area. This is a key site at the beginning of East Finchley High road, opposite the station and deserves a better design.

The plans of the flats are poorly considered with insufficient storage space and living space. There are a number of instances where living rooms are stacked over bed rooms. The space standards do not meet Lifetime Home standards thus contravening Barnet policy

No affordable housing is evident in the development

Amenity space is inadequate for 24 homes, some for families. There is no provision for refuse storage and removal. There is insufficient external space for the homes.

With no car parking provision there should be alternative provision for safe and secure parking of bicycles, but there is none. The turning space for the 2 cars shown is inadequate and will force a dangerous exist across the pavement onto the busy main road Response to the street scape is extremely poorly considered and indeed is insensitive to the adjoining properties. The height of the block does not take into account that the road is falling towards the railway - height has been taken from the top of a pitched roof further up the street near Baronsmere Road and continued straight having no consideration for the falling ground or the properties adjacent and to the impact on houses to the rear.

The applicant is simply trying to cram too much onto the site with no acceptable consideration for the quality of the housing nor the subsequent townscape and design within the High Road location.'

The representations received can be summarised as follows:

The GLH Building has greater significance than it is being given credit for Building is one of the few surviving buildings from the earliest days of East Finchley.

Additional consultation was undertaken on the basis of amended plans and an additional 40 objections were received, the majority from residents who had already objected initially. These comments mention issues raised above, including parking and design matters.

A site notice was put up on 27/04/16

The development was advertised in the local press on 05/05/16

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, CS9, CS11, CS12, CS13, CS14, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, 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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Policy 2.15 Town centres

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and Design of Housing Developments

Policy 3.8 Housing Choice

Policy 3.9 Mixed and Balanced Communities

Policy 3.10 Definition of Affordable Housing

Policy 3.11 Affordable Housing targets

Policy 3.12 Negotiating Affordable Housing

Policy 3.13 Affordable Housing Threshold

Policy 4.2 Offices

Policy 4.3 Mixed Use Development and Offices

Policy 4.7 Retail and Town Centre development

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 7.1 Building London's Neighbourhoods and Communities

Policy 7.2 An Inclusive Environment

Policy 7.3 Designing Out Crime

Policy 7.4 Local Character

Policy 7.5 Public Realm

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing Noise

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodland

Policy 8.1 Implementation

Policy 8.2 Planning Obligations

Policy 8.3 Community Infrastructure Levy

Residential Design guidance Development Plan Document 2013

Sustainable Design and Construction Development Plan Document 2013

Supplementary Planning Document: Affordable Housing

Supplementary Planning Document: Planning Obligations

Supplementary Planning Document: Enterprise and Training

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the development including loss of the existing uses on site and provision of retail unit
- Highways Issues
- Impact on the character and appearance of the streetscene and general locality
- Whether harm would be caused to the living conditions of neighbouring and future residents.
- Noise and Air Quality Issues
- Affordable Housing
- Sustainability/Environmental Issues
- Section 106 Issues

5.3 Assessment of proposals

1. Principle of the development including loss of the existing uses on site and provision of retail unit

1.1 Land Use

The site is currently a minicab and courier business and associated car parking. This is considered to be a Sui Generis use.

Whilst such uses are not protected per se, the existing minicab hire and courier business and associated offices do generate jobs. Policy DM14 states that *'Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.'*

In the opinion of officers of the Local Planning Authority, compliance with policy DM14 needs to be demonstrated in order to address this issue. It should be noted that the proposals seek to provide 265 sq metres of office space within the town centre. The existing building accommodates approximately 250 square metres of space.

In this way, the re-provision of office space would address any concerns relating to policy DM14.

1.2 Loss of the existing building

A number of consultation responses have referred to existing building on site and its historic significance within East Finchley. The building appears to be of Victorian era and notable features include its attractive brick façade, sash windows and detailing.

However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

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

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting.

It is therefore considered that the loss of the building could be acceptable if it could be considered that this outweighed but wider benefits of the scheme.

1.3 Density

The site has an area of 0.13ha. It is located in an area of PTAL rating 5 close to East Finchley Underground Station.

The London Plan advises that development should be at 45-260 units/hectare. The proposals appear to be at approximately 161 units/hectare.

The London Plan advises that development should be at 200-700 habitable rooms per hectare. The proposals appear to be at approximately 369 habitable rooms/hectare.

It is recognised that the development is a mixed use development and as such the density of the development is not entirely representative of the amount of development proposed. Nevertheless the density is well within the tolerances within Table 3.2 of the London Plan and as specified in the London Plan. Furthermore, town centres are considered an appropriate location for intensification. The Mayor's Supplementary Planning Guidance on Town Centres states that *'projected growth in London's population presents a significant opportunity for London's town centres to become high quality, liveable places, generating local footfall, supporting vibrant and viable town centres with greater levels of housing and sustainable modes of travel..... Boroughs and town centre partners are encouraged to: draw on London Plan policy to support the intensification of town centres, particularly for mixed use development including higher density housing together with supporting infrastructure (including transport, social and digital connectivity)'*

In this way, the density of the development is considered appropriate.

1.4 Unit Mix

The development consists of:

- 7no. 1 bedroom units
- 13no. 2 bedroom units
- 1no. 3 bedroom unit.

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

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

However this is not say that other mix of dwellings on site may is inappropriate.

The development mix is considered acceptable in accordance with policy DM08, especially considering the town centre location which makes provision of smaller sized units more appropriate.

2. Whether the development will have an acceptable impact on Highway and pedestrian safety

Site and Existing Highway Description

The existing property is occupied by a minicab company which has their head office on the site and is also used as a parking area for the company's vehicles.

The site is located on the eastern side of the A1000 High Road, within close proximity of the East Finchley Underground Station, in the Borough of Barnet. The site is located at numbers 12-18 High Road, and it is directly accessed off the High Road. The predominant surrounding land use is residential but includes a mix of uses consisting of retail and commercial.

The site is within a Controlled Parking Zone (CPZ), in close proximity to a East Finchley Underground Station, several bus routes and town centre amenities. Site visits indicate that there is intense parking pressure in the roads in the vicinity of the site.

Accessibility by Foot

In terms of existing facilities for pedestrians, the site is very convenient for walking. There are wide high quality footways on either side of the A1000 High Road, linking into the wider footway network, which extends into Finchley and beyond. To the south, the A1000 High Road offers convenient pedestrian access to Highgate. A staggered signalised pedestrian crossing is located just to the south of the site access, which features dropped kerbs and tactile paving to facilitate the movement of the physically and visually impaired, providing a safe access to the underground station. A second pedestrian crossing is also located to the north of the site access, just after the junction of High Road with Baronsmere Road. This is an informal staggered crossing point with dropped kerbs and tactile paving.

Side road and site access crossings along High Road are also generally fitted with dropped kerbs. A number of footpaths are within the vicinity.

Accessibility by Cycling

The development site is located in a convenient location for cycling trips including both daily commuting and leisure usage. High Road has no dedicated cycle ways, however it is part of the London Cycle Network Link 5, which has, in parts, marked cycle ways and, in other parts, cycle routes shared with bus lanes. In addition, just to the south of the site there is a toucan crossing that allows crossing for cyclists along with pedestrians.

Accessibility by Public Transport

Public Transport Accessibility Level (PTAL) is a form of measuring public transport accessibility in London. PTALs range from 1 to 6 where 6 represents a high level of accessibility and 1 a low level of accessibility.

Transport for London (TfL) gives this site a PTAL Rating of 4 which within the medium accessibility level.

The closest bus stops to the site are located along the A1000 High Road just to the south of the site. A total of seven bus services are accessible from three different bus stops located within 100m from the development site. The bus stops served by routes 102, 143, 234, 263, 603, 653, H3 and N20. These routes provide access to destinations such as Barnet, Brent Cross, East Finchley and Golders Green.

The nearest underground station to the site is East Finchley which is approximately 100m to the south west of the site accessed from the pedestrian crossing over the High Road. The nearest rail station is New Barnet which is approximately 2.5km.

Development Proposal:

The proposal is for demolition of existing buildings and construction of new buildings to provide 22 dwellings comprising of 8 x 1-bedroom, 13 x 2-bedroom and 1 x 3 bedroom in addition to 265 sqm of office space.

A total of 2 parking spaces are proposed for the development accessed via existing vehicle access from the High Road. One would be allocated to the 3 bedroom dwelling and the second for a car club bay.

Vehicle Access

The development will use the current access on the High Road that is 4.5m wide at the entrance. The entrance to the proposed development will be managed by secure gates which will be installed to allow access for pedestrians and vehicles separately.

The development will be accessed from the existing access on the High Road, the Transport Statement that will be 4.5 metres including footway. No details were submitted showing any modifications to the existing access but this will require improvement including any remedial work to facilitate the main office entrance, tactile paving to assist the mobility impaired at the crossing point, there may also be level changes to the access. These works are to be agreed under a S278 Agreement.

The Transport Assessment Appendix B showed that a vehicle parked in the car parking spaces within the site would mount the proposed footway to turn and exit in forward gear. This is poorly designed and based on the lower level of vehicle movements it is recommended that this is a shared surface so that a vehicle can manoeuvre easily. Modifications are therefore required and will be conditioned to be provided.

Car parking provision

The adopted Barnet's Local Plan (Development Management Policies) Policy DM17 indicates the maximum parking standards for residential development, as:

- i. 2 to 1.5 spaces per unit for 4 or more bedrooms)
- ii. 1.5 to 1 spaces per unit for 2 to 3 bedrooms;
- iii. 1 to less than 1 space per unit for 1 bedroom

This equates to a parking provision of up to 14 to 29 parking spaces for the residential development to meet the parking standards as set out in the Barnet Local Plan Development Management Policy DM17 approved in September 2012.

For a site in a PTAL5 area, a provision of 17 parking spaces would be required.

The proposal includes 2 parking spaces, 1 for the 3 bedroom dwelling and 1 for a car club bay and therefore is not in accordance with the parking standards.

Taking into consideration several factors including:

- The PTAL rating in this area is at a good accessibility range.
- According to the Census 2011 data the parking ratio for households in the Census Output Area where the site is located is higher than 1 per household.
- This residential development sits within an all-day (Mon-Sat 10am-6.30pm) Controlled Parking Zone (CPZ). A parking survey was carried out on 3rd -4th February 2016 and showed there was space available on-street to accommodate any potential overspill for overnight residents.
- The number of on-street parking permits issued is above 90% of the available space and is therefore under parking stress.

The developer has offered to enter into an agreement to remove the right of purchase of residential parking permits and provide a car club.

Cycle parking provision

A cycle store is provided and details are required to be submitted to show that the development will meet the London Plan minimum requirements for cycle parking.

Travel Plan

A Travel Plan Framework has been included in the submission to encourage sustainable modes of transport. A car club bay will be provided on the site. As the development falls below the threshold in the SPD for a Travel Plan this is voluntary but encouraging. Barnet will work with the developer in developing the plan.

Construction Management

A Construction Management Plan has been included with the submission and details on-site accommodation and how deliveries are made, routed on the highway network and managed. This is adequate for the development.

Refuse and Servicing

A Refuse storage area is provided on the access road within the building. A refuse and servicing strategy is required so that any impact to the highway network is reduced.

Section 106 Obligations

The following contributions and commitments are sought under a Section 106 Agreement :

- (a) Highways Works

The following proposed highway works shall be carried out under S278 of the Highways Act 1980 and to be concluded in S106 Agreement.

- Junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.

- (b) Traffic Management Order Contribution

A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.

Overall highways officers consider that on balance the proposals would have an acceptable impact on highway and pedestrian safety and the free flow of traffic.

3. Whether the proposals will harmfully impact on the character and appearance of the streetscene and general locality

3.1 Layout

The proposed development is comprised of two blocks running north to south across the site.

The existing site is mostly hard landscaping and parking areas, with building running along the southern boundary of the site. The proposals would provide an opportunity to build a front age block which would relate to the existing parade of shops to the north. In this way the existing development is already out of character within the area.

The proposed layout would not be out of character with the pattern of development within the area and is considered acceptable.

3.2 Scale and Massing

The site is located on a slope, which decreases from north to south. The site is located within East Finchley Town Centre, with a mixture of building heights. To the north are shopping parades which are two storey with rooms in roof space. Opposite the site is East Finchley Underground Station which is Grade II listed. There is also a four storey office building opposite and three storey residential blocks with pitched roofs.

The massing of the building has been reduced at second and third floors so that it sits more comfortably against the parade of shops to the north. Furthermore, the recess would prevent the building appear jarring against Park House to the south.

The buildings vary between two and four stories in height. This is considered an appropriate scale for the site given the height of neighbouring buildings and the location within the town centre. It is considered important that the detailing of any building relates appropriately to the shopping parade with traditional form to the north. To the south, Park House is an unremarkable two storey flat roof building, however it is still important that any building does not appear jarring when viewed against this.

Overall, it is considered that the scale of the development is appropriate for the site.

3.3 External Appearance and Design

The proposed building would be flat roofed with recessed upper storeys. In this way the building above second floor would not be as dominating as viewed against the pitched roof of 20-22 High Road.

The proposed design of the scheme has been amended in order to separate the ground and upper floor levels of Block A and make them more distinctive given their differing uses.

Materials proposed include:

- Red stock brick
- Sandstone coloured render to projecting bays
- Zinc Cladding for roof
- Wood Laminate to rear projections
- Crittal Windows

It is considered that the design of the proposed building would be acceptable in terms of its impact on the character and appearance of the area.

3.4 Landscaping

The site is currently covered by buildings and hard landscaping with only very limited soft landscaping informally around the edges of the site.

The proposals would represent an opportunity to provide increased soft landscaping to the site, particularly in terms of proposed communal garden areas.

It is suggested that a detailed landscaping scheme is secured by condition.

The impact on the setting of East Finchley Underground Station as a listed building

The underground station is a notable listed building within East Finchley Town Centre, which is located opposite the site. Whilst the replacement building forming part of the development is of some presence, it is not considered that it would be overpowering or prejudicial to the setting of this listed building.

4. Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policy CS4 of the Core Strategy and policy DM10 of the Development Management Policies DPD. The Policy sets a target of 40% affordable housing on sites of 10 units of more or covering 0.4 hectares or more.

The applicant has submitted a Financial Viability Report in support of the scheme. This has been independently reviewed by Colliers International on behalf of the Council. Further to this, it has been agreed that a contribution of £ 870,000 can be made towards affordable housing within the Borough. This represents a contribution of 23% and is considered to be the maximum amount the scheme can provide.

Whilst commuted sums are only acceptable in exceptional circumstances it is suggested that where a scheme either can only provide a small number of units on-site and there isn't an obvious self-contained block, a commuted sum could be justified. This is because 'pepper potted' affordable units or less than 10 units tend to be unattractive to RSLs as they are difficult to manage.

In this way, the proposals would comply with policy DM10 of the Development Management Policies 2012.

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

5.1 Impact on neighbouring occupiers

5.1.1 Daylight/Sunlight

A daylight and sunlight report accompanies the planning application. This assessed Vertical Sky Component (VSC), and Annual Probable Sunlight Hours (APSH).

The report shows that whilst there may be a small increase in overshadowing of gardens of houses on Ingram Road, this would not be materially harmful to the living conditions of occupiers of these properties. There would be no significant impact to houses on Baronsmere Road.

In terms of sunlight, the impact on 20-22 High Road would generally accord with Building Research Establishment (BRE) Guidance, with one window receiving less Winter Sun than normally advised. The BRE guidance is a useful tool for assessing such impacts but does not cover every eventuality.

Comments from residents have been received in respect of the Daylight and Sunlight Report. These states that the report has not looked at internal layout of neighbouring properties and does not have full diagrams as they are truncated. In the view of the resident development would be contrary to BRE guidelines as would go beyond 25 degree limit. It should be noted that the BRE Guidance states that *'If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

-receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable

sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year greater than 4% of annual probable sunlight hours"

None of the above conditions are met.

Residents have also pointed out that houses on Ingram road are not North facing as stated within Daylight/Sunlight report, they are west facing. This is acknowledged. However, the report assesses the impact on these windows in any event.

Overall, it is considered that whilst there may be some impact in terms of overshadowing to residents on Ingram Road, this is relatively minor and not significant enough to warrant refusal of the planning application.

5.1.2 Privacy

Block B is sited to the rear of the site and is closest to neighbouring residential properties.

It should be noted that the plans do not show the extensions to properties on Ingram Road to the east. No.9 appears to have been extended in the form of a single storey rear extension. No.7 appears to have been extended at roof level. The houses on Ingram Road are L shaped and have rear two storey outriggers.

It is estimated that there is a distance of approximately 9.3m from the rear wall of the nearest property to the rear and boundary with the site (No.11 Ingram Road) measured from the rear of it's outrigger. The distance from the main rear wall would be approximately 15.3m. In the case of no.9, the ground floor rear wall is approximately 7m from the rear boundary where it has been extended.

Impact on no.11 Ingram Road

At ground and first floors, the proposed building would be approximately 28.5m from the main rear wall of no.11 and 21.3m from the rear outrigger.

At second and third floor the proposed building would be approximately 30.8m from the main rear wall of no.11 and 23.9m from the rear outrigger.

All balconies at second and third floor level have been removed beyond the main rear wall of block B.

The building would comply with the overlooking standards within the Supplement Planning Document: Residential Design Guidance document. The upper floors would be stepped even further to prevent possible overlooking.

Impact on no.9 Ingram Road

It is noted that no.9 has the benefit of a single storey rear extension and therefore the distances at ground floor between buildings is approximately 18.7m measured from the rear outrigger.

This only applies to the ground floor. It must be viewed in the context that the SPD contains guidance, and this is not to say that development should be refused if it exceeds these, especially in town centres.

Otherwise, the distances between the buildings is marginally more than in the case of no.11.

It is noted that there is a small balcony proposed facing this property at first floor level of approximately 1.5m depth. This would be sited away from the part of the building directly facing the outrigger. On balance it is not considered that harmful overlooking would result if this element is screened adequately and a condition is suggested to ensure this.

Impact on other residential properties

The other property directly facing the site is sited further away from the site though any impact would be similar to no.9 and no.11 Ingram Road. Though this property has a roof level, it is not considered that any impact would be materially harmful to the living conditions of the occupiers of this property.

The proposed Block A is sited to the front of the site. Overlooking from this block is unlikely given that residential properties are some distance to the north and east of the site.

Furthermore, the scheme has been designed to prevent any possible overlooking to the nursery at Park House to the south. It should however be noted that there is no policy seeking to prevent overlooking to schools and there would be no grounds to refuse an application on these grounds.

5.1.3 Visual Impact/Outlook

The houses to the rear of the site on Ingram Road are closest to the development. These are sited at a height similar to that of the site. They have rear outriggers which step back from the main rear wall of the buildings by approximately 7m.

The existing building is located some 9m from the boundary with no.11 and 20m at first floor level between windows. At ground floor the building is sited some 1m from the boundary.

Whilst the proposed building would be larger than that which exists on site, the second and third floors would be stepped back further to reduce their perceived visual impact.

The proposed block B would be sited approximately 16m from the rear boundary with houses on Baronsmere Road and 26m from the rear walls of these houses. Furthermore, any view would be of the side of the block which is shallow in depth.

It is not considered that the proposed building would appear overbearing or cause harmful loss of outlook as viewed from neighbouring residential properties to Ingram Road, Baronsmere Road or above commercial premises on High Road.

5.1.4 Noise and Disturbance

The site is located within East Finchley Town Centre and is within appropriate density ranges.

The commercial parts of the building would be sited to the front of the site away from residential properties to the rear.

Given the nature of the use it is not considered that the proposals would cause harmful noise and disturbance to neighbouring residential properties.

5.1.5 Light Pollution

Given the nature of the proposed use, and the siting and distance between windows, it is not considered that harmful light pollution would result from the development.

5.2 Impact on amenities of future occupiers

5.2.1 Internal Amenity

Block A

First Floor Unit 1 (1 Bed) – 54 square metres

First Floor Unit 2 (1 Bed) – 54 square metres

First Floor Unit 3 (1 Bed) – 54 square metres

First Floor Unit 4 (2 Bed) – 90 square metres

Second Floor Unit 1 (2 Bed) – 68.6 square metres

Second Floor Unit 2 (2 Bed) – 75.2 square metres

Second Floor Unit 3 (2 Bed) - 92.7 square metres

Third Floor (2 Bed) – 93 square metres

Block B

Ground Floor Unit 1 (2 Bed) - 67.7 square metres

Ground Floor Unit 2 (3 Bed) - 90.8 square metres

Ground Floor Unit 3 (2 Bed) – 67.7 square metres

First Floor Unit Unit 1 (2 Bed) – 67.6 square metres

First Floor Unit Unit 2 (1 Bed) – 56 square metres

First Floor Unit Unit 3 (1 Bed) – 56 square metres

First Floor Unit Unit 4 (2 Bed) – 67.6 square metres

Second Floor Unit Unit 1(2 Bed) – 67.6 square metres

Second Floor Unit Unit 2 (1 Bed) – 51 square metres

Second Floor Unit Unit 3 (1 Bed) – 51 square metres

Second Floor Unit Unit 4 (2 Bed) – 67.6 square metres

Third Floor Unit 1 (2 Bed) – 71 square metres

Third Floor Unit 2 (2 Bed) – 71 square metres

The development would comply with the internal space standards within Mayor's London Plan.

It is noted that some of the proposed residential units would be single aspect. However, none of the units would be north facing. In this way the scheme would provide good outlook for future residents.

5.2.2 External Amenity Space

The following amenity areas would be provided in association with the development:

- Communal Area of 103 square metres to rear of Block A
- Communal Area of 168 square metres to rear of Block B
- Ground floor private patios of 19, 27 and 31 square metres
- Communal Roof terrace (Third Floor) 57 square metres
- Third Floor Balconies of 19 square metres (x2)

240 square metres of external amenity space would be required in accordance with the Supplementary Planning Document on Sustainable Design and Construction. The development makes provision for 328 square metres.

6. Noise and Air Quality Issues

The Noise Consultants, Sharps Redmore, consider it is likely that the western and southern facades, which are closest to the High Road, will require a sealed acoustic glazing system and the northern and eastern facades will require thermal double glazing.

To enable the windows to remain closed acoustic air bricks or an individual or whole building mechanical ventilation system may be required. This would be acceptable to Environmental Health Officers.

The information is satisfactory and shows that the operational air quality impact of the proposal not to be significant. Environmental Health Officer would also like to note that the proposed noise mitigation options (such as acoustic air bricks or an individual or whole building mechanical ventilation) would also have act as an air quality mitigation measure. If mechanical ventilation is used they would recommend that air is drawn in from the rear of the building as this would be the cleanest side of the building)
The applicant has submitted a Construction Management Plan in support of the proposals. Environmental Health Officers consider that this is acceptable.

7. Sustainability/Environmental Issues

7.1 Accessibility

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 is attached to ensure compliance with these Policies.
Policy 3.8 of the London Plan requires 10% of new dwellings to be wheelchair adaptable or accessible. The development would comply with this requirement.

7.2 Carbon Dioxide Emissions

The applicant has submitted an Environmental Sustainability Statement. This states that photovoltaic panels will be used as part of the development on the roof.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% 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 condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

7.3 Water usage

In terms of water consumption, a condition [is attached/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).

7.4 Drainage

The site is located within if Flood Zone 1. The site has a low risk of surface water flooding.

The applicant has submitted a drainage strategy. The Lead Local Flood Authority has been consulted and they are of the view that a more detailed Drainage Strategy should be submitted before the development commences. This could be secured by condition. It is recommended that the feasibility of implementing infiltrating Sustainable urban Drainage Systems (SuDS) be provided as well as giving more consideration to the SuDS hierarchy.

7.5 Biodiversity

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

The existing site contains buildings and hardstanding, with some vegetation around the residential boundaries with neighbouring properties. It is considered to be of low ecological value and as such, there is no requirement for surveys of protected species. A condition is attached requiring biodiversity improvements in accordance with policy DM16.

7.6 Waste and Recycling

The applicant has amended the plans to provide 6 x 1,100 litres bins. This is considered appropriate provision and is considered acceptable by the Waste and Recycling Team.

8. Impact on security

The proposed would maintain commercial use to the front of the site. The rear facing windows would provide surveillance to the rear garden of the site and it is not considered that the risk of antisocial behaviour would increase as a result of the development.

No objection has been received from the Metropolitan Police Designing Out Crime officer.

9. Section 106 Issues

The following planning obligations are required in association with the development:

Contribution of commuted sum towards affordable housing

Amendment to Traffic Order to prevent residents of the development obtaining parking permits.

Furthermore, a contribution would be required towards Mayoral and Barnet Community Infrastructure Levy.

5.4 Response to Public Consultation

Principle of Development

Doesn't make provision for larger units - *Addressed in main report*

Loss of jobs from existing facility - *Addressed in main report*

Density Excessive - *Addressed in main report*

Existing building (Formerly known as Valona House) is one of the oldest buildings in East Finchley and is of historic interest. - *Addressed in main report*

Design Issues

Overdevelopment - *Addressed in main report*

Proposals don't pay sufficient regard to Victorian houses on neighbouring roads - *Addressed in main report*

Poor Quality Design - *Addressed in main report*

Overpowers Park House and buildings on High Road - *Addressed in main report*

The materials, roofline, roof pitch, lack of eaves, gables, chimney stacks, dormer are not typical of development in the area. - *Addressed in main report*

Amenity Issues

Loss of light - *Addressed in main report*

Loss of privacy - *Addressed in main report*

Noise pollution - *Addressed in main report*

Neighbouring properties have not been represented correctly (Note no.9 Ingram avenue is 18.7m from development) - *Noted however the impact of the development is considered acceptable*

Daylight and Sunlight Report has not looked at internal layout of neighbouring properties and does not have full diagrams (Truncated). Development would be contrary to BRE guidelines as would go beyond 25 degree limit. - *Addressed in main report*

Houses on Ingram road are not North facing as stated within Daylight/Sunlight report – they are west facing - *Addressed in main report*

Noise assessment states that development will result in harmful noise, so needs to be fixed shut, which precludes ventilation - *Addressed in main report. Environmental Health Officers are satisfied with details*

No consideration to noise from underground or increase to underground use has been considered. - - *Noise issues are addressed in main report*

Ceiling height of development is below 2.5m - - *Addressed in main report*

Air Source Heat pumps will cause noise - *Air pumps are not proposed*

Highways Issues

Proposals don't make provision for parking - *Addressed in main report*

Access issues for vehicles for commercial development, deliveries, fire access - *Addressed in main report*

Waste Management Issues - *Addressed in main report*

Access road will cause disruption in Town Centre - *Addressed in main report*

Other Issues

Schools in the area are over subscribed – *The proposals make provision towards Community Infrastructure Levy which would contribute to this*

Noise and disturbance during construction – *This is covered by Environmental Health Legislation. In any event, a construction management plan has been provided and is considered acceptable*

Ecological impact *Addressed in main report*

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:

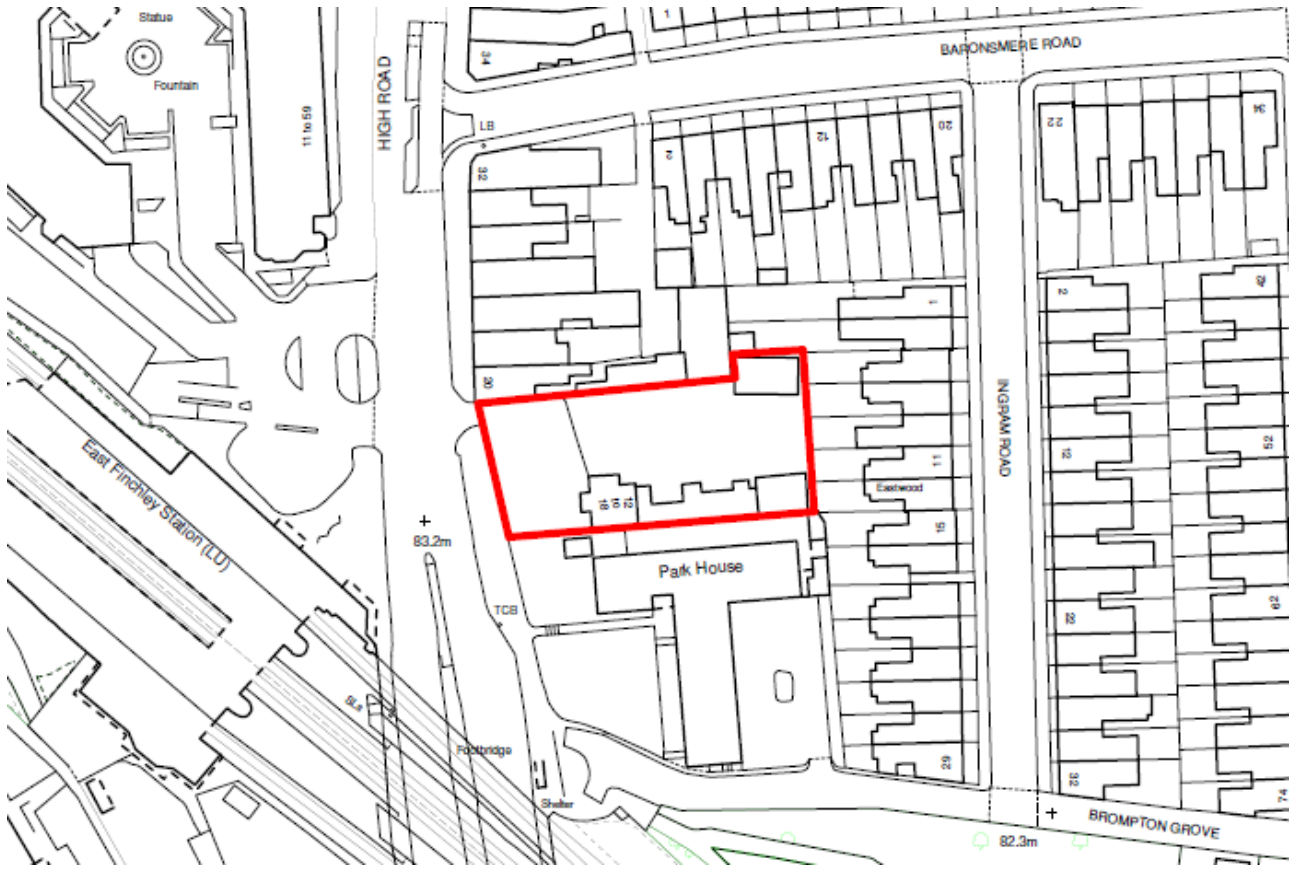
- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

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 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 proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a significant contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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Location **1 Beechwood Avenue London N3 3AU**

Reference: **16/5934/FUL**

Received: 8th September 2016

Accepted: 15th September 2016

Ward: Finchley Church End

Expiry 10th November 2016

Applicant: Mr Rob Piggott

Proposal: Demolition of existing dwelling and erection of a three storey building with rooms in the roofspace to provide 6no residential units with associated amenity space. Provision of 7 no. parking spaces, cycle storage, refuse and recycling store and associated landscaping.
[AMENDED DESCRIPTION]

AGENDA ITEM 9

Recommendation: Approve subject to conditions

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

Existing Plans:

F848/P/01

F848/P/02

F848/P/03

F848/P/04

Proposed plans:

F848/P/10 - Revision L

F848/P/12 - Revision N

F848/P/13 - Revision P

F848/P/21 - Revision G

F848/22 - Revision H

F848/P/23 - Revision H

F848/P/24 - Revision J

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

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced

areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 The roof of the development hereby permitted, other than the balconies hereby approved, 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 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.

- 6 Before the building hereby permitted is first occupied the first floor and second floor windows in the flank elevations facing No. 3 Beechwood Avenue and Beechwood Hall shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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).

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

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

- 8 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 11 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.

- 12 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing Nos. F848/P/10 - Revision L shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 13 a) Notwithstanding the details shown on the plans approved, before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 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 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).

- 17 a) Before the development hereby permitted commences, details of the proposed front boundary shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in full accordance with the details as approved under this condition before the approved development is brought into use

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.

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 £25,305 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 £97,605 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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 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.

- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

Officer's Assessment

1. Site Description

The application site is a detached dwellinghouse on the north side of Beechwood Avenue, in the ward of Finchley Church End.

It is not within a conservation area and is not a listed building.

The site is located within an established residential area. To the east of the site is a pair of semi-detached dwellings, the nearest being 3 Beechwood Avenue.

To the west of the site is a block of flats, Beechwood Hall (the Hall). The Hall is a broadly 'L' shaped building that wraps around the corner of Regents Park Road and Beechwood Avenue.

2. Site History

Reference: 15/01982/FUL

Address: 1 Beechwood Avenue, London, N3 3AU

Decision: Refused

Decision Date: 8 June 2015

Description: Demolition of existing dwelling and erection of a storey plus rooms in the roofspace detached building to provide 7no. self-contained flats. Provision of 7no. parking spaces. Associated amenity space, secure cycle parking and refuse/recycling store

Appeal decision: Dismissed

Appeal decision date: 02 February 2016

3. Proposal

The application proposes the demolition of existing dwellinghouse and erection of a three storey building with rooms in the roofspace to provide 6 no residential units with associated amenity space. Provision of 7 no. parking spaces, cycle storage, refuse and recycling store and associated landscaping.

4. Public Consultation

A site notice was erected 22 September 2016.

Consultation letters were sent to 74 neighbouring properties.

13 responses have been received, comprising 13 letters of objection.

The objections received can be summarised as follows:

- Will result in overlooking to neighbouring properties and subsequent loss of privacy. Requirement of screening should be made a requirement.
- Inadequate screening from trees
- Cycle storage will likely to be higher than boundary fence and appear unsightly from neighbouring properties
- Proposed development would be detrimental to the character and appearance of the general locality.

- Overbearing and visually dominating as perceived from the rear windows and garden of 3 Beechwood Avenue, to the detriment of visual amenities of these neighbouring occupiers
- Matters raised in Paragraph 20 by Inspector of the previous appeal not addressed in this application.
- Density of the proposed development will impact parking and traffic
- The proposal would fail to comply with Policy DM01 of the Development Management Policies Document DPD (2012) which that the introduction of flats in area characterised by single family dwellinghouses is not acceptable.

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, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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 October 2016)

- 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 Background

An application was previously refused at the site (reference: 15/01982/FUL, dated 8 June 2015) for the 'Demolition of existing dwelling and erection of a storey plus rooms in the roofspace detached building to provide 7no. self-contained flats. Provision of 7no. parking spaces. Associated amenity space, secure cycle parking and refuse/recycling store'.

There were four reasons for refusal were as follows:

1. The proposals would result in the loss of a single family dwellinghouse and would introduce flats within an area characterised by single family dwellings, which would be harmful to the established character of the locality. The proposals would be contrary to policy CS5 of the Adopted Barnet Core Strategy and policy DM01 of the Adopted Barnet Development Management Policies 2012.

2. The proposed development by reason of the appearance of the rear elevation, design of balconies and roof terrace would be detrimental to the character and appearance of the general locality. It would be contrary to policies CS5 of the Adopted Barnet Core Strategy 2012 and policy DM01 of the Adopted Barnet Development Management Plan 2012, and policies 7.4 and 7.6 of the Mayor's London Plan (FALP) 2015.

3. The proposed development would appear overbearing and visually dominating as perceived from the rear windows and garden of 3 Beechwood Avenue, and would result in harmful loss of outlook and appear overbearing and visually dominating as perceived from the rear windows from the nearest windows at Beechwood Hall; being detrimental to the visual amenities of the occupiers of these properties. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012, and the Supplementary Planning Document: Residential Design Guidance.

4. The proposed development by reason of the proposed balconies and roof terrace would result in harmful overlooking of the rear garden of no.3 Beechwood Avenue and communal areas to Beechwood Hall. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Residential Design Guidance.

The application was appealed by the applicant to the Planning Inspectorate (decision reference: APP/N5090/W/15/3133225, dated 02 February 2016). It was subsequently dismissed by the Planning Inspectorate.

5.4 Assessment of proposals

Principle of flats in this location :-

Principle of flats in this location :-

In regards to the introduction of flats in a road characterised by houses in the first reason for refusal, Paragraph 15 of the Inspector's decision read:

'In my opinion, the new building would resemble a large detached dwelling and, when seen from the road, it would not look out of place among the varied built form along Beechwood Avenue. While frontage parking and bin storage might indicate its use as flats, the existing dwelling on the site has a large forecourt as do other nearby dwellings and the bin store would be to one side of the site and would not be conspicuous in the local street scene. For all of these reasons, I consider that the proposal would stand comfortably within the site and relate well to nearby buildings. Taking into account the presence of the Hall nearby, it would not be an uncharacteristic addition to the local area.'

Impact on character and appearance :-

In regards to second reason for refusal, Paragraph 16 of the appeal decision read:

'The inclusion of balconies on the proposed rear elevation would reveal the use of the new building as flats. However, views of these features would be largely confined to the rear of the Hall and that of No 3, as the Council accepts. From these general directions, the new rear elevation would be likely to be seen in the context of the Hall itself and would not look out of place even with the removal of some trees that would increase the prominence of the new building.'

The Inspector concludes in Paragraph 17:

'Overall, it is my opinion that the proposed development would be compatible in its context, which includes both single-family houses and a block of flats. On the second main issue, I therefore conclude that the proposal would be in keeping with the character and appearance of the local area. Accordingly, it complies with DMP Policy DM01, Policy CS 5 of Barnet's Local Plan (Core Strategy) and Policies 7.4 and 7.6 of The London Plan. These policies broadly aim to ensure that new development represents high quality design, respects the local context and preserves or enhances the area's character.'

Impact on neighbouring amenity :-

Outlook -

In regards to reason 3 and the proposed development's impact on the outlook of No. 3 Beechwood Avenue, Paragraph 10 of the appeal decision read:

'Like the dwelling to be replaced, the new addition would project beyond the rear elevation of No 3 and so part of the new sidewall would be evident from the rear-facing windows of this adjacent property and their back garden. The proposal would be noticeably taller and more substantial in built form than the existing dwelling on the site with a greater depth at the upper levels. Even so, the house to be replaced is already close to this part of the shared boundary with No 3 and the new sidewall that would be visible from the rear of No 3 would be relatively modest in length.'

Paragraph 11 continues:

'With these points in mind, on balance, I consider that the main direction of outlook would not be significantly affected nor would the new sidewall feel oppressive to the occupiers of No 3. As the central rear-projecting element of the new building would be set back much further into the site, there would be no undue sense of enclosure caused by the presence of this built form.'

In regards to appearing overbearing when viewed from the Hall, the Inspector stated that:

' Unlike the existing dwelling on the site, the proposed flank wall would project forward of the rear elevation of that part of the Hall that faces Beechwood Avenue. As a result, the proposal would visually enclose the outdoor space just beyond the rear façade of the Hall that is nearest to the site. The plans show that the new flank wall would be set back from the common boundary with the Hall at this point. Nevertheless, the proximity of what would be a substantial amount of new built form close to the rear windows of the Hall that are nearest to the site's western boundary would result in an over dominant impact on outlook. Furthermore, due to its considerable height and depth, the proposed flank wall would be so imposing as to overbear on the occupiers of those flats that are nearest to the western boundary of the site.'

Privacy -

In regards to reason 4 and the proposed development's impact on privacy of occupiers at No. 3 Beechwood Avenue and the Hall, the Inspector stated in Paragraph 5:

'The new flats at first and second floor levels would be served by steel balconies with glazed balustrades, which would be on the rear elevation of the proposed building. A rear roof terrace would also serve the new unit at the third floor level. These features would

have the effect of forming a platform on which people would be able to gather together and sit out. As a result, some overlooking from these vantage points towards the rears of the properties on each side of the site in particular would be possible.'

Paragraph 6 continues:

'Specifically, the elevated position and outward projection of the balconies serving the new unit 6 would allow a significantly greater level of overlooking towards the rear garden of No 3 than would be likely to be evident from the first floor rear-facing windows of the dwelling to be replaced...this instance, views towards the back garden of No 3 from these balconies would be direct and at a reasonably close range. The high level position of the rear roof terrace that would serve new unit 7 would also allow views across towards the rear garden of No 3. To my mind, these arrangements would seriously harm the neighbours' enjoyment of their rear garden due to an unacceptable loss of privacy.'

The Inspector concluded in Paragraph 7 that due to a heightened perception of being overlooked, 'the introduction of privacy screens, which could be achieved by condition, would have little effect in diminishing the sense of being overlooked insofar it would be experienced by the occupiers of No 3.'

The Inspector considered in Paragraph 8 that on the basis that the rear windows of the Hall already overlook the communal areas serving the Hall to the rear, 'any additional overlooking possible from the rear of the new building would cause no significant loss of privacy for the occupiers of the Hall.'

Summary and further assessment of new scheme :-

In summary, the Inspector found the previously refused scheme acceptable and policy compliant in regards to reason 1 and reason 2. The Inspector also found that the scheme would not cause detriment to the outlook enjoyed by occupiers at No. 3 Beechwood Avenue, nor would it result in harmful overlooking to the communal areas of the Hall.

Therefore, the matters for consideration for this application are:

- The proposed development's impact on overlooking and loss of privacy experienced by occupiers at No. 3 Beechwood Avenue
- The proposed development appearing overbearing when viewed from the Hall

The scheme has been amended since the previous refusal.

In regards to impact on overlooking and loss of privacy, the rear roof terrace at third floor level and balconies serving the first floor and second floor flats which were located close to the boundary adjacent to No. 3 Beechwood Avenue have been removed under this application.

Furthermore the central rear balconies serving the first floor and second floor flats have been designed with a store/utility projection which prevents direct overlooking onto the garden area of No. 3.

For the above reasons it is considered that the applicants have sufficiently addressed the previous concerns of overlooking and loss of privacy to occupiers at No. 3 Beechwood Avenue.

In regards to the proposed developments impact on the Hall, the proposed flank wall adjacent to the boundary of the Hall has been reduced from a depth of 21 metres to 14.8 metres. Furthermore, the front projection of the building would be set at a distance of 3 metres from the boundary adjacent to the Hall and thus sited at a greater distance from the rear windows of the Hall closest to the site than the previously refused scheme.

It is therefore considered that these changes have addressed previous concerns and is deemed that the proposed development would preserve the residential and visual amenities enjoyed by occupiers of the Hall.

In conclusion, it is considered that the re-designed scheme would safeguard residential amenity, with particular regard to privacy, outlook and visual amenities, in accordance with Policy DM01 of Barnet's Local Plan 2012 (Development Management Policies) (DMP), the advice contained with the Council's Residential Design Guidance SPD (updated 2016) and principles of the National Planning Policy Framework (2012).

Although the appearance of front and rear elevations of the proposed development differs from the previous scheme, it is not considered that these elevations would cause any greater harm to the character and appearance of the surrounding area or wider locality than the previously refused proposal, which was deemed acceptable by the Planning Inspector in this regard.

The depth and siting of the proposed flank wall adjacent to boundary of No. 3 Beechwood Avenue has not changed from the previously refused scheme. As such, the development is deemed to have an acceptable impact on the amenity of these occupiers, in line with the Inspector's conclusions.

The redesigned scheme has resulted in the reduction of units proposed from 7 to 6. It has also resulted in a reconfiguration of the layouts of the units proposed. The units proposed will meet the floorspace standards as set out in the London Plan (MALP 2016). All future occupiers of the unit would benefit from an acceptable degree of light, outlook and privacy.

The proposed development would provide 7 no. parking spaces for 6 units. The previous scheme proposed 7 no. car parking spaces for 7 units and was found acceptable in regards to impact on highways and parking. This remains the case in this instance.

5.5 Response to Public Consultation

- The proposal would fail to comply with Policy DM01 of the Development Management Policies Document DPD (2012) which that the introduction of flats in area characterised by single family dwellinghouses is not acceptable and proposed development would be detrimental to the character and appearance of the general locality.

As abovementioned in the report, the Inspector concluded in Paragraph 17 of his decision:

'Overall, it is my opinion that the proposed development would be compatible in its context, which includes both single-family houses and a block of flats. On the second main issue, I therefore conclude that the proposal would be in keeping with the character and appearance of the local area. Accordingly, it complies with DMP Policy DM01, Policy CS 5 of Barnet's Local Plan (Core Strategy) and Policies 7.4 and 7.6 of The London Plan. These policies broadly aim to ensure that new development represents high quality design, respects the local context and preserves or enhances the area's character.'

It is therefore clear the Inspector did not consider that the introduction of flats in this location, and subsequent loss of a house, would be harmful to the character of the road. The Inspector's decision has substantial material weight in this instance and the Local Planning Authority therefore cannot raise objection to the principle of flats under this application.

- Will result in overlooking to neighbouring properties and subsequent loss of privacy. Requirement of screening should be made a requirement.

As addressed in the main assessment above, the re-designed scheme is considered to safeguard the privacy of neighbouring occupiers.

Details of privacy screening has been attached as a condition to this recommendation.

- Inadequate screening from trees

There are no Tree Preservation Orders on site. Therefore permission from the Council to remove or cut back any trees on site is not required. A condition has been attached to secure adequate details of hard and soft landscaping in the proposed development.

- Cycle storage will likely to be higher than boundary fence and appear unsightly from neighbouring properties

Notwithstanding the details shown on the plans approved, a condition has been attached to secure acceptable details in regards to the proposed cycle storage.

- Overbearing and visually dominating as perceived from the rear windows and garden of 3 Beechwood Avenue, to the detriment of visual amenities of these neighbouring occupiers

The Previous Inspector deemed that the scheme would not impact the visual amenities enjoyed by No. 3. The depth and siting of the proposed flank wall adjacent to boundary of No. 3 Beechwood Avenue has not changed from the previously refused scheme. As such, the proposed development remains acceptable in this regard.

- Matters raised in Paragraph 20 by Inspector of the previous appeal not addressed in this application.

Paragraph 20 of the appeal decision states:

'Interested parties raise several additional objections to the proposal including light, precedent, density of development, parking, traffic, smells from refuse storage, air quality, subsidence, potential disturbance during the demolition and construction phases, and the effect of the scheme on the living conditions of future occupiers and those of other nearby residential properties. These are all important matters and I have taken into account all of the evidence before me, including the petition against the scheme. However, given my findings on the first main issue, these are not matters on which my decision has turned.'

It is considered that the findings of the Inspector have been adequately addressed under this amended proposal.

Under the previous application, the Council considered matters raised by interested parties but considered that they did not constitute grounds for refusal. The Inspector appears to

have come to the same conclusion. This remains the case in this instance. Furthermore, Officers consider that remaining issues can be sufficiently addressed through conditions.

- Density of the proposed development will impact parking and traffic

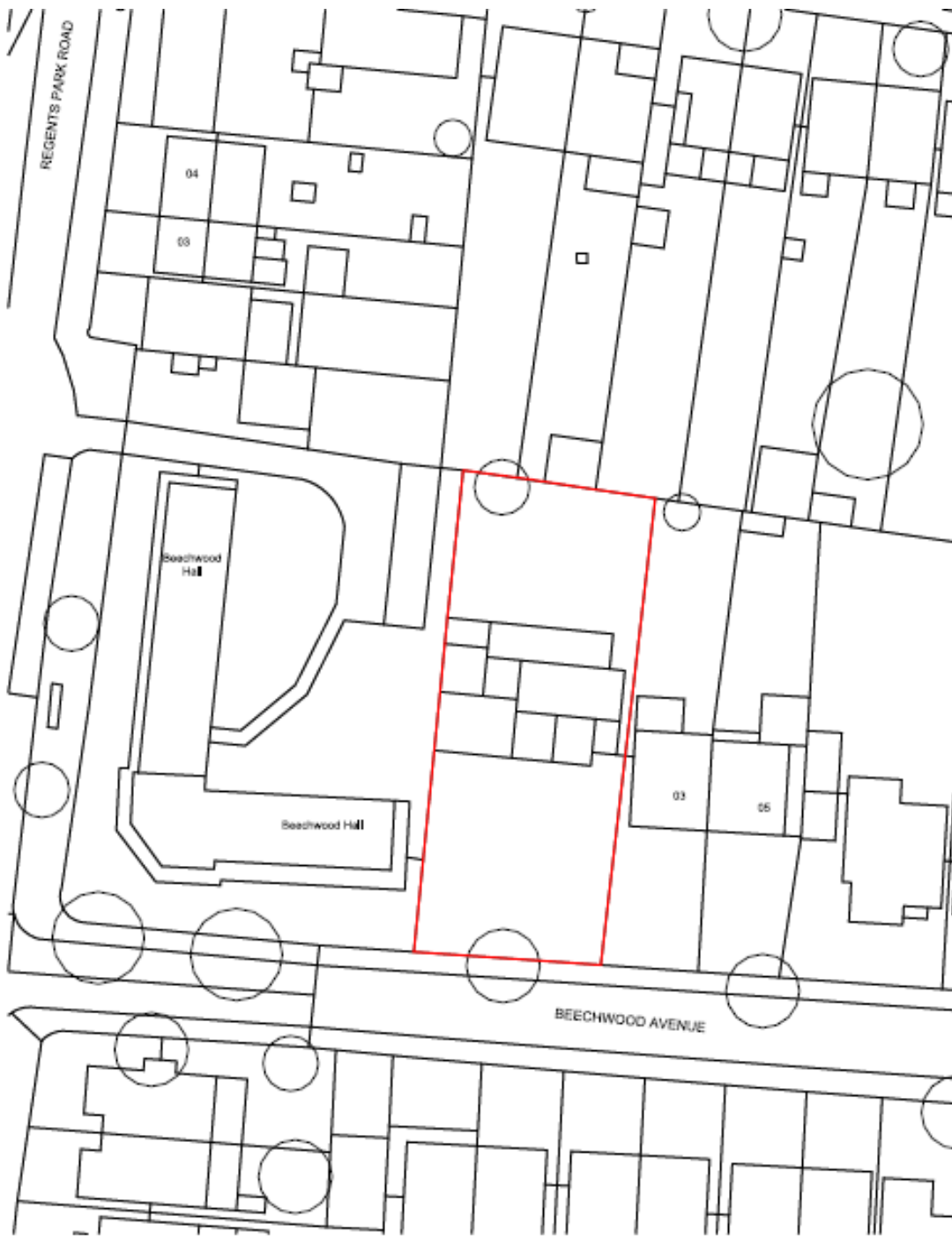
The proposed development would provide 7 no. parking spaces for 6 units. The previous scheme proposed 7 no. car parking spaces for 7 units and was found acceptable in regards to impact on highways and parking. This remains the case in this instance.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **The Sternberg Centre For Judaism The Lodge 80 East End Road
London N3 2SY**

AGENDA ITEM 10

Reference: **14/07798/S73** Received: 8th December 2014
Accepted: 8th December 2014

Ward: Finchley Church End Expiry 2nd February 2015

Applicant: Claire Mandel

Proposal: Variation of condition 18 (Hours of Use) pursuant to planning permission reference F/00690/08 dated 24/07/2008 for 'Erection of synagogue (Variation of planning permission C00403CL/05 dated 30-09-2005 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavillion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House). Variations to include relaxation of restricted hours of use to allow extension of opening hours of premises between 8.00am and Midnight Fridays and Saturdays and between 7.30am and Midnight on all other days

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

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

3. 3. To delegate the authority to officers to carry out a comprehensive review of all of the Heads of Terms associated with the Section 106 legal agreement related to the planning permission C00403CL/05 (granted 30.09.2005) and subsequent Deed of Variation in relation to F/00690/08 and then prepare a Section 106 legal agreement accordingly.

RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

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

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

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

Access Statement, Design Statement, Extended Phase 1 Habitat Survey of Land at the Sternberg Centre reference CAPPRO-STECCEN-1168, Visualisations, Ecological Strategy meeting minutes, Tree felling approvals, Arboricultural Survey / Arboricultural Impact Assessment / Method Statement reference AR/1233/06, Ambient noise survey AAc/112563/R01-sj, Supporting Planning Statement, Ventilation Report Issue C, N[2-]000 Option B only, U[--]001A/B, U[--]002A/B, U[--]003A/B, U[--]040A/A, T[31]020/B, Arboricultural Survey drawing 155/02/P2, 155/12/P7, 155/500/P6, 155/501/P5, 411-A-100A, 411-L-010, 411-L-011, 411-L-011, 411-L-100H, 411-L-105A, 411-L-110J, 411-L-120G, 411-L-200J, 411-L-230G, 411-L-240H, 411-L-250D, 411-L-300F, 411-L-320G, 411-L-330G, 411-L-315D, 411-L-310F, 411-L-305D, Acoustic Report from Arup Acoustics dated 09/06/08 and numbered 123813/MJW.

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).

3 The pedestrian access in the boundary wall fronting East End Road and the secondary access in the boundary wall with Pavillion Mews shall only be used for the purpose of the emergency evacuation of the site and shall be used for no other purpose.

Reason: In the interests of safeguarding residential amenity and in compliance with policies DM01, DM02, DM13 and DM17 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS9 of the Local Plan Core Strategy (2012).

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

Reason: To enable the local planning authority to retain control over these matters in the interests of the amenities of adjoining properties and to safeguard the setting of the adjoining listed building and in compliance with policies DM01, DM02, DM06, DM13 and DM17 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF, CS5 and CS9 of the Local Plan Core Strategy (2012).

5 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 and in compliance with policies DM01, DM02 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS9 of the Local Plan Core Strategy (2012).

6 The use of the premises for the purposes hereby permitted (unless otherwise agreed in writing by the local planning authority or as set out in any associated legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) shall only take place between the hours of 8.00am and midnight Fridays and Saturdays and between 7.30am and midnight on all other days.

Reason: In the interests of safeguarding residential amenity and in compliance with policies DM01, DM02, DM13 and DM17 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS9 of the Local Plan Core Strategy (2012).

7 The level of noise emitted from the operation and use of the synagogue hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of any neighbouring property which existed at the time of this decision notice. If the noise emitted has a distinguishable, discreet 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 1metre outside the window of any room of any existing neighbouring property at the time of this decision notice.

Reason: In the interests of safeguarding residential amenity and in compliance with policies DM01, DM02, DM13 and DM17 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS9 of the Local Plan Core Strategy (2012).

RECOMMENDATION III:

1 Recommendation III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31/05/2017, unless otherwise agreed in writing, the Director of Planning REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to provide for effective management of the activities carried out on the site and for car parking, as well as mitigate against the likely highway impact arising from this development contrary to policies DM01, DM02, DM05, DM13 and DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

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

Officer's Assessment

1. Site Description

The Sternberg Centre is located on the southwest side of East End Road opposite the junction with Manor View. The Sternberg Centre occupies a site of approximately 3.03 hectares and incorporates a mixture of land uses, functions and facilities principally for the Jewish Community.

Beyond the site, the area is predominantly residential, although there is another school adjoining the site along East End Road to the southeast and sports grounds to the opposite side of East End Road. Basing Way housing estate is located to the south of the site.

The site comprises:

- o An 18th Century moated site which is designated as a Scheduled Ancient Monument.
- o An 18th Century three storey Manor House which is designated as a Grade II* Listed Building.
- o A three storey flat roofed extension and link building to the side of the Manor House.
- o A three storey modern building (the Beit Limmud building) and a number of original single storey outbuildings (the stable block).
- o A two storey house on the south east corner of the site that provided accommodation for the caretaker.
- o A newly built school.

The site is not located in a conservation area. There are a number of Tree Preservation Orders for the site and there is an area order for the area around the external boundaries of the site along East End Road and along the boundary with the Basing Way Estate.

The Sternberg Centre plays a major role in the life of the Jewish Community. It includes the central facility of Reform Judaism in the UK and accommodates a large number of organisations that inter-act to provide religious and community services to both the local and national Jewish Communities.

The site essentially contains the Head office and community centre of Reform Judaism in the UK and Europe, the Akiva primary school, the New North London Synagogue and Gan Alon Nursery and the Leo Baeck College and Centre for Jewish Education. The Sternberg Centre was established in 1981 after the Manor House and its grounds were collectively purchased by a number of Jewish organisations. Together they formed the Manor House Trust, which administers the site.

2. Site History (selected)

Reference: F/00008/11

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved subject to conditions

Decision Date: 15 March 2011

Description: Variation of Condition 7 (Cycle Parking) pursuant to planning permission F/00690/08 dated 24/07/08 to alter location of cycle parking (but not number of

spaces).

Reference: F/04726/10

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved subject to conditions

Decision Date: 8 February 2011

Description: Use of vacant building (Stables block) as a Jewish Military Museum (Use class D1). Internal alterations including extension to existing Mezzanine (25m²). Alterations to roof including insertion of 4 dormer windows facing courtyard. Replacement of all windows and doors with new double glazed windows and doors.

Reference: F/00730/08

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved subject to conditions

Decision Date: 24 July 2008

Description: Erection of synagogue (Variation of Listed Building consent C00403CM/05 dated 30-09-05 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavillion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House) (LISTED BUILDING CONSENT)

Reference: F/00690/08

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved following legal agreement

Decision Date: 24 July 2008

Description: Erection of synagogue (Variation of planning permission C00403CL/05 dated 30-09-2005 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavillion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House).

Reference: C00403CL/05

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved following legal agreement

Decision Date: 30 September 2005

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavillion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House.

Reference: C00403CG/04

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Refused

Decision Date: 29 July 2004

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new partially submerged Akiva School block adjacent Windermere Avenue, new synagogue adjacent St. Theresas Primary School and extension of existing stable block/Biet Limmud including an auditorium partially positioned below ground level, together with associated changes to landscaping, car-parking and alterations to Manor House.

3. Proposal

Permission is sought for the variation of condition 18 (hours of use) of planning permission F/00690/08. That application sought planning permission for the Erection of synagogue (Variation of planning permission C00403CL/05 dated 30-09-2005 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavillion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House).

Condition 18 of the planning permission stated the following:

The use of the premises for the purposes hereby permitted (unless otherwise agreed in writing by the local planning authority or as set out in any associated legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) shall only take place between the hours of 8.00am and 10.30pm Fridays and Saturdays and between 7.30am and 10.30pm on all other days.

Reason: In the interests of the amenity of occupiers of neighbouring residential properties.

The application proposes the variation of the condition to achieve the following:

The use of the premises for the purposes hereby permitted (unless otherwise agreed in writing by the local planning authority or as set out in any associated legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) shall only take place between the hours of 8.00am and midnight Fridays and Saturdays and between 7.30am and midnight on all other days.

Reason: In the interests of the amenity of occupiers of neighbouring residential properties.

4. Public Consultation

Consultation letters were sent to 140 neighbouring properties.

13 responses have been received, comprising 13 letters of objection.

The objections received can be summarised as follows:

- The existing hours were in place to minimise disruption.
- However, despite that, there are noisy activities taking place and parking pressures.
- The Activities Management Plan (AMP) allows for a relaxation of the controls on certain days. Because of this, other restrictions should not be relaxed.

- There is anti social behaviour which occurs, generally when people are returning home including banging of car doors, people talking, headlights.
- There is insufficient car parking in the area to accommodate the demand from this site.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9 and CS10
- Relevant Development Management Policies: DM01, DM02, DM04, DM13 and DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the local highway network would be able to accommodate any additional parking demand arising from the proposed extension to the hours of use.
- The implications for the development on the existing Section 106 agreement and its future implementation.

5.3 Assessment of proposals

Permission is sought for the variation of condition 18 (hours of use) of the synagogue building which was permitted under planning application permission F/00690/08. That application was a variation of an earlier planning permission in 2005 for the erection of a new school and synagogue. This variation seeks permission for the synagogue to be able to be used until midnight on any given day. The planning application F/00690/08 was granted on 24 July 2008 and was completed in 2011. This would be in addition to the relaxation of hours of use controls permitted for holy days, holidays and religious festivals in written agreement with the Council. These days are defined by the Section 106 agreement as being Pesach (four days), Shavuot (2 days), Succoth (3 days), Yom Kippur (1 day), Rosh Hashanah (2 days), Chanukah (1 day), Purim (1 day) and Simchat Tora (1 day).

The planning application F/00690/08 was submitted to the Council to deal specifically with sound insulation and acoustic impact details that lead to design changes requiring a further application to be submitted. Although the option of non-material minor amendments was considered, officers were of the view that these alterations to the design and the possible amenity implications were material and as such, an application for a variation of the previous planning permission was made.

The applicant is the New North London Synagogue and they have advised that since the building has been occupied, the premises have been used as a valuable community resource not just for the membership but also for the wider community in the area. The facilities allow for the site to accommodate life cycle and rites of passage events such as Bar Mitzvahs and wedding celebrations. However, there have only been 8 Bar Mitzvahs in the period between 2011 - 2014. The applicants have taken particular steps to ensure that no disturbance takes place to neighbours, including the closure of any openings, sound level limitation and servicing and disposal on the day after.

However the 22.30 finish has meant that there is reluctance from the community to holding such events at the Sternberg Centre. Nevertheless, the applicants do not expect that such parties and events would take place on a regular basis and just 8 events are expected to occur per year. Nevertheless, it is considered that the existing operational activities would be able to occur satisfactorily within the existing hours set out within Condition 18 of the 2008 planning permission.

The condition was imposed on the planning permission to protect the amenity of occupiers of the neighbouring residential properties. Any impacts can manifest themselves in two ways, firstly through the noise impacts arising from the actual use whether that may include amplified noise and sound and the or from the movements and activities of people dispersing from the premises after the conclusion of the use of the synagogue as approved.

Environmental Health officers were consulted on the planning application and provided a written response to officers. They advised that no written complaints were made relating to the New North London Synagogue's use of the site since the synagogue was constructed and occupied in 2011.

Nevertheless, the potential for the site to be used until later in the evening and for events requiring amplified noise and sound will require some safeguards including confirmation that windows and openings will be closed at times when amplified sound is not broadcast

but when there may be high attendance. In addition, the sound limiter should ensure that noise events are at least 5dB(A) below the background noise level as measured from any point 1 metre outside the window of any room of neighbouring residential properties.

The original hours of use condition was considered acceptable and reasonable in providing a balance between the needs of the users and the function of the site along with the amenity considerations of neighbours. A number of objectors have raised concerns about people returning to cars parked around local streets, turning on headlights, closing car doors, talking loudly in a peaceful residential environment. The environmental health officer has not received any specific complaints in relation to the use of the synagogue in connection with these actions. However the application proposes that there would be approximately a dozen additional later evening events per year in relation to the synagogue which are considered would only have a minor impact on residential amenity over and above that which might occur as a result of the use.

The Section 106 agreement secures the implementation and adherence to an Activities Management Plan (AMP) to ensure that the Council retains oversight of the activities, times and population on the site at any one time. The AMP sets out requirements which include the details of the estimated number of parking spaces, sound attenuation measures and management and stewarding of attendees to mitigate against any adverse impact on the locality. The AMP also obliges the applicants to provide CCTV pictures and records of events and numbers of attendees to the Council on request. The AMP also requires the applicants to direct their attendees to be considerate to neighbours after 22.00 and to have a named person for responding to complaints.

These arrangements will be secured again within a revised Section 106 legal agreement that will be completed alongside the granting of permission for the variation of condition 18.

The proposal does not give rise to any additional floorspace and the AMP will still impose restrictions on the numbers of attendees on the site and in conjunction with a Car Parking Management Plan that is also secured through the Section 106 legal agreement, it is considered that the proposed variation of the condition would not give rise to any additional parking. Highways officers have been notified of this application and have raised no objections to this application.

In varying the condition, the Council has had regard to the requirements of the NPPF and the NPPG to ensure that the condition passes the tests set out therein and is an appropriate method to address the obvious impacts that would arise from the development. The extension of the hours to midnight would be acceptable and would not give rise to an unacceptable level of harm given all the safeguards that exist. It is noted that condition 26 of the decision notice states that the noise from the air handling unit, chiller, shul exhaust fans, kitchen extract fans and the ground source heat pump shall be at least 5dB(A) below the background noise level as measured from any point 1 metre outside the windows of any room of a neighbouring property.

Given the questions raised by the environmental health officer about amplified noise and sound and the applicants willingness to use sound monitors and limiters, it would be appropriate to also ensure that this condition is amended to include all noise the premises.

As such, former Condition 18 (now condition 6) should be amended as follows:

The use of the premises for the purposes hereby permitted (unless otherwise agreed in writing by the local planning authority or as set out in any associated legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) shall only take place between the hours of 8.00am and midnight Fridays and Saturdays and between 7.30am and midnight on all other days.

Reason: In the interests of the amenity of occupiers of neighbouring residential properties and in compliance with policies DM01, DM02, DM13 and DM17 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS9 of the Local Plan Core Strategy (2012).

And, former Condition 26 (now Condition 7) should be amended as follows:

The level of noise emitted from the operation and use of the synagogue hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of any neighbouring property which existed at the time of this decision notice. 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 any existing neighbouring property at the time of this decision notice.

Reason To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties and in compliance with policies DM01, DM02, DM13 and DM17 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS9 of the Local Plan Core Strategy (2012).

As already stated, given the mixture of different uses and occupiers within the Sternberg Centre as outlined at the head of this report and to limit the impact of the proposed development on the residential amenity of neighbouring properties, a Section 106 agreement has been in place since 2005 subsequently varied by the 2008 application. This has consisted of four key elements: (A) Site development and phasing plan (B) Activities Management Plan (C) Car Parking Management Plan (CPMP) and (D) a highways contribution

There is still clearly a necessity for the Activities Management Plan and the Car Parking Management Plan to be implemented and adhered to for this site. The site development phasing plan has not been implemented in the agreed manner since the completion of the legal agreement in 2005 and as such this will need to be reviewed to ensure that further development takes place in a coherent manner that allows for the preservation of amenity, for the preservation of the existing listed building and to ensure that the impacts of uses can be satisfactorily controlled. In addition, a highways contribution remains outstanding and further negotiation must be undertaken to ensure that the Council can still reasonably secure this money to assist with the mitigation of any impact that this development might generate.

As such, it is considered that the recommendation associated with this application to vary condition 18 should be accompanied by a wholly new legal agreement that seeks to take forward the same terms of the previous legal agreement including the AMP and CPMP. However, given the applicant's failures to adhere appropriately to the terms of the legal agreement, it is not possible to set out a complete heads of terms at this stage. Members are being requested to agree to delegate authority to officers to discuss appropriate heads

of terms for a new legal agreement ahead of permission for the variation of the condition under Section 73 of the Town and Country Planning Act (1990) is issued.

5.4 Response to Public Consultation

The objections raised have been considered 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

Having taken all material considerations into account, it is considered that subject to compliance with all other relevant attached conditions, the variation of the hours of use condition 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 **57 St Georges Road London NW11 0LU**

Reference: **16/4168/FUL**

Received: 24th June 2016

Accepted: 7th July 2016

Ward: Golders Green

Expiry 1st September 2016

Applicant: Mr Scott Schwager

Proposal: Part single, part two storey side and rear extensions to form conversion into 3no self contained flats. Conversion of garage into habitable space including rooms in roof space with new rooflights and rear dormer. New front porch. Alterations to fenestration. Provision of 3 no. parking spaces, landscaping, cycle storage, refuse store and associated amenity space. [AMENDED DESCRIPTION AND AMENDED PLANS]

AGENDA ITEM 11

Recommendation: Approve subject to conditions

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

Site Location Plan
Drawing No. 4759_01
Drawing No. 4759_02
Drawing No. 4759_10 B
Drawing No. 4759_11 A
Drawing No. 4758_12

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) Notwithstanding the details shown on the approved plans, Before the development hereby permitted is first occupied, details of enclosures and screened

facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

5 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

6 Before the building hereby permitted is first occupied the windows in the side elevations and rear elevation of the first floor rear extension shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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).

7 a) Before the development hereby permitted is first occupied or the use first commences, vehicle and cycle parking spaces as shown on Drawing 4759_10 B shall be provided and marked out within the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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

- 8 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).

- 9 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.

- 10 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 20% 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).

- 11 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).

- 12 a) Notwithstanding details on the plans hereby approved, no development other than demolition works shall take place until details of the materials to be used for the hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The proposed hardstanding shall be of permeable or porous materials or allow for water to drain to such a location on the site property.

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

Reason: To safeguard the character and visual amenities of the site and wider area, to safeguard local flood risk 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 and DM04 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.

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 £1,330 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 £5,130 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 Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 4 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 6 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a 278 Agreement under the Highways Act 1980.
- 7 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 8 The applicant is advised that trees on the public footway are owned by the Council and the applicant would need to discuss any relevant works with the council's Street Trees Team.

Officer's Assessment

1. Site Description

The application site relates to an existing detached dwellinghouse on the southern side of St Georges Road, in the ward of Golders Green.

The host site has a triangular plot with the side boundary to the west of the site adjoining the rear gardens of properties along Wentworth Road, with its frontage facing St Georges Road.

The application property is not listed nor is it located within a conservation area.

The application dwellings benefits from a number of existing extensions including single storey side and rear extensions as well as a substantial wrap around dormer.

2. Site History

Reference: 15/06513/FUL

Address: 57 St Georges Road, London, NW11 0LU

Decision: Approved subject to conditions

Decision Date: 18 February 2016

Description: Part First floor part two storey rear extension. Conversion of garage into habitable space including rooms in roof space. Single storey side extension. Conversion of single dwelling into 2 no. self-contained units. New front porch. Provision of 2 no. parking spaces, cycle storage, refuse store and associated amenity space

Reference: C09319B/00

Address: Adjacent 57 St Georges Road London NW11

Decision: Refused

Decision Date: 27 March 2000

Description: Erection of a two storey house attached to side of No57 following removal of existing garage.

Reference: C09319A

Address: 57 St Georges Road London NW11

Decision: Approved subject to conditions

Decision Date: 29 April 1991

Description: Garage at side to replace existing

Reference: C09319

Address: 57 St Georges Road London NW11

Decision: Refused

Decision Date: 28 January 1987

Description: Extension and alteration of roof to form habitable rooms in roofspace

3. Proposal

The application seeks consent for a part single, part two storey side and rear extensions to form the conversion on the existing dwellinghouse into 3 no. self-contained flats. It also proposes a new front porch and alterations to the fenestration. Provision of 3 no. parking spaces, landscaping, cycle storage, refuse store and associated amenity space.

4. Public Consultation

A site notice was erected 14 July 2016.

Consultation letters were sent to 85 neighbouring properties.
17 responses have been received, comprising 17 letters of objection.

The objections received can be summarised as follows:

- References to old applications
- Detrimental impact on highways safety, traffic and parking
- Proposed development would be out of character in terms of appearance and use
- Parking arrangement would remove three on-street parking spaces
- Car parking would be unsightly and out of character with frontages of street. Would also increase flooding and be environmentally poor.
- Strange internal layout
- Proposed development would impact the amenity of neighbouring occupiers both from the extensions (in regards to privacy, light and outlook) and noise/disturbance of comings and goings; pressure on parking and bins
- Disturbance, noise, dust and upheaval from construction work
- Concern about quality of housing and those who will occupy/tenant the units
- Lack of transparency in regards to crossover approval

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 October 2016)

- 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 October 2016)

- 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.
- Whether harm would be caused to the living conditions of future residents of the property
- Whether the proposal would be detrimental to parking and highways

5.3 Assessment of proposals

Principle of Conversion

An application was previously approved by Committee members (application reference 15/06513/FUL, dated 04 February 2016) for extensions to the property and the conversion of the dwellinghouse into 2 no. self-contained flats.

This application seeks amended extensions to the property and the conversion of the dwellinghouse into 3 no. self-contained flats, which represents 1 no. additional unit compared to the previous approval.

By reason of the previous approval the principle of the conversion of the dwellinghouse into self-contained flats is deemed acceptable in this location, in accordance with Policy DM01 of Barnet's Development Management Document DPD (2012).

The previous application granted permission for two units; 1 x 3 bedroom 4 person and 1 x 3 bedroom 4 person.

The currently proposed scheme would comprise; 1x 1 person studio; 1 x 2bed 3 person and 1 x 3 bedroom 4 person.

Impact on neighbouring amenity

Although one additional household would be created, there would be no overall increase in the number of bed spaces compared to the previously approved application and therefore Officers do not consider that one additional household (a 1 person studio) would generate significantly more activity, including parking stress, vehicular trips or noise and disturbance than two large households (as previously approved). The location and appearance of additional bin and cycle storage can be controlled through conditions.

Although the design and size of the ground floor extensions differ from that previously approved, it is not considered that they would cause any greater harm to the amenity of neighbouring occupiers or the character of the property or area than previous scheme. The extensions at first floor and second floor will remain the same as previously approved.

Impact on amenities of future occupiers

Furthermore, all three proposed units would meet minimum floorspace standards in accordance with the London Plan standards (MALP 2016) and all future occupiers would be provided with an acceptable degree of light, outlook and privacy. All units would be provided with outdoor amenity space which meets the requirements of Barnet's Sustainable Design and Construction SPD (2016).

On balance the quality of accommodation would be acceptable.

Impact on Highway and Pedestrian Safety

The application proposes 3 no. car parking spaces, which represents one additional parking space than previously approved. The Highways department have assessed the application and have concluded that they raise no objection subject to conditions.

The conditions pursuant to the previous approval have also been attached to this recommendation where necessary and reasonable.

5.4 Response to Public Consultation

- References to old applications

This application has been assessed on its own merits and found acceptable in accordance with development plan policy.

- Detrimental impact on highways safety, traffic and on-street parking

As abovementioned, the application proposes 3 no. car parking spaces, which represents one additional parking space than previously approved. The Highways department have assessed the application and have concluded that they raise no objection subject to conditions.

- Proposed development would be out of character in terms of appearance and use

As assessed above, the principle of the conversion of flats was deemed acceptable in the previous approval. It is not considered that the differences in size of the extensions would impact character and appearance of the area to an unacceptable level.

- Car parking would be unsightly and out of character with frontages of street. Would also increase flooding and be environmentally poor.

Although officers recognise that the proposal would result in increased hardstanding, the scheme would include a degree of soft landscaping to the front of the property. A condition has been attached for details of the proposed hardstanding.

- Strange internal layout

As assessed above, the flats have been found compliant with the relevant standards. A condition has been attached in regards to noise insulation.

- Proposed development would impact the amenity of neighbouring occupiers both from the extensions (in regards to privacy, light and outlook) and noise/disturbance of comings and goings; pressure on parking and bins

As assessed above, the additional unit would not cause harm to amenity of the local area. The extensions differ from those previously approved but would not harm the character and appearance of the property or surrounding area any greater than existing.

- Disturbance, noise, dust and upheaval from construction work

A degree of disruption from construction works is expected from any development. Considering the most size and scale of the development it is not considered that it would constitute a ground for refusal in this particular instance.

- Concern about quality of housing and those who will occupy/tenant the units

This would not constitute a reason for refusal in this particular instance.

- Lack of transparency in regards to crossover approval

Crossover approval is a separate application process to planning permission. An informative has been added accordingly.

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 and future occupiers. It would not cause harm to the highways network or parking. This application is therefore recommended for approval.



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	<p style="text-align: center;">Finchley And Golders Green Area Planning Committee</p> <p style="text-align: center;">19th January 2017</p>
<p style="text-align: right;">Title</p>	<p>Planning Enforcement Quarterly Update October 2016 to December 2016</p>
<p style="text-align: right;">Report of</p>	<p>Interim Head of Development Management</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Summary

The report provides an overview of the planning enforcement function in the period between October and December 2016.

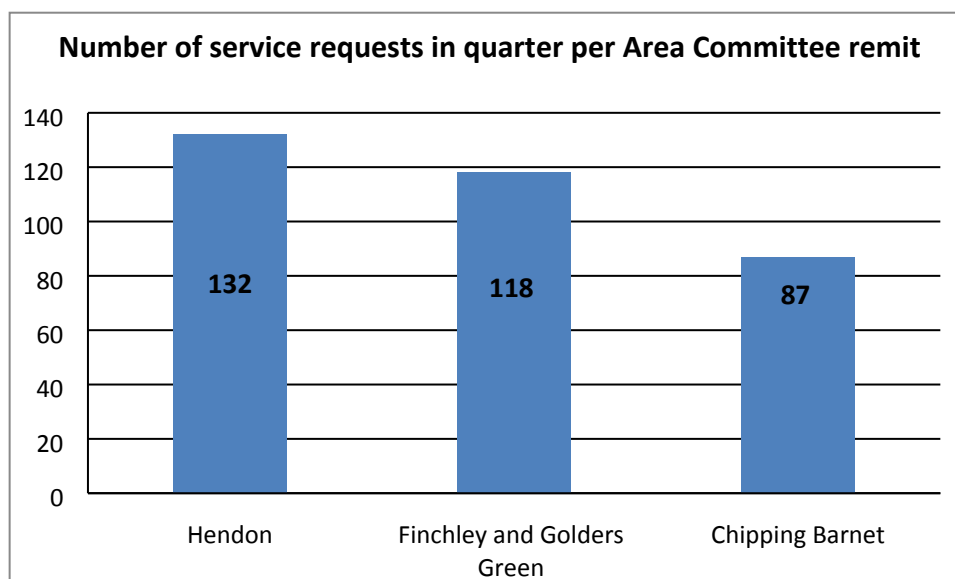
Recommendation

1. That the Committee note the Planning Enforcement Quarterly Update for the period of October to December 2016.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issued which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of October to December 2016.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.
- 1.3 Number of service requests

In the period between October and December 2016, 317 service requests were received, alleging potential breaches of planning control. The number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Hendon	
Ward	Number of service requests Oct-Dec 2016
Burnt Oak	12
Colindale	8
Edgware	18
Hale	15
Hendon	27
Mill Hill	25
West Hendon	27

Finchley and Golders Green	
Ward	Number of service requests Oct-Dec 2016

Childs Hill	36
East Finchley	9
Finchley Church End	10
Golders Green	20
Garden Suburb	11
West Finchley	13
Woodhouse	19

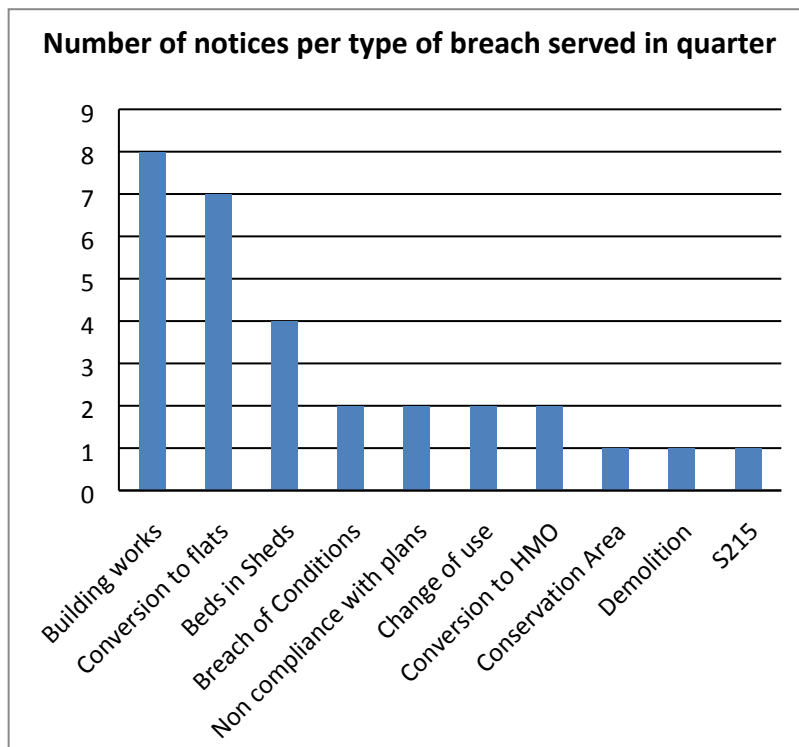
Chipping Barnet	
Ward	Number of service requests Oct-Dec 2016
Brunswick Park	17
Coppetts	12
East Barnet	8
High Barnet	14
Oakleigh	15
Totteridge	13
Underhill	8

Future quarterly updates will show the evolution of number of requests quarter on quarter.

1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve on, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.3 shows details of such cases resolved in the period between October and December 2016

In the period between October and December 2016, 30 Enforcement Notices of all types were served. Whilst the majority of cases related to building works, a significant proportion related to unlawful residential uses (flats, beds in sheds and HMOs).



1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between October and December 2016

	Number of cases closed
Full compliance following serving of enforcement notice	19
Informal compliance Works carried out and/or use ceased with breach resolved informally	76
Lawful development No breach of planning control was identified following investigation	130
Breach detected but harm insufficient to justify enforcement action	51
Total	276

Future quarterly updates will show the evolution of number of requests quarter on quarter.

1.6 Prosecution updates

Finchley and Golders Green

Two prosecutions in the Golders Green ward reached judgment in December – 279 Golders Green Road and 90 The Drive. Both cases concerned the sub-division of a property into multiple flats. However, in both instances the convictions are being challenged, with sentencing and the ‘Proceeds of Crime’ implications of the convictions being held in abeyance subject to the outcome.

The first hearing in the 42 Clifton Gardens deception case was heard in Willesden Magistrates’ Court on 20 December 2016. The council is applying for a ‘Planning Enforcement Order’ after evidence came to light that suggested the householder had actively deceived the Council as to the true nature of his use of the property during an earlier investigation. The case continues.

Discussions regarding the payment of £555,954.49 owed to the state following the judgment in 11 Quantock Gardens continue. The defendant had been ordered to pay the sum under the ‘Proceeds of Crime’ Procedure following his conviction for illegally sub-dividing his semi-detached property and his unsuccessful challenge in the Court of Appeal.

Sentencing in the case of 24 Llanvanor is expected to take place in early 2017 following the exchange of financial information between Council and defendant during the last quarter. The defendant’s conviction for failing to

comply with a planning enforcement notice was upheld at Harrow Crown Court in August 2016

Hendon

On 6 December 2016 Kelly communications pleaded guilty to the charge of damaging the roots of 4 protected trees during the course of digging a trench for communications cables. The company was fined £3000 and ordered to pay the Council's costs of £4398 and a victim surcharge of £120.

Chipping Barnet

In December a date of 10 January 2017 was been set for the hearing of the Stanryk House advertisement prosecution. The developer Relic Homes is charged with unlawfully displaying large advertisements on the hoarding which surrounds the site of their development at 38 Totteridge Village. Relic Homes had previously partially complied with officer requests to remove advertisements but officers' considered that those that remained continued to cause significant detriment to the amenity of the conservation area.

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 None

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