

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**THURSDAY 9TH MARCH, 2017**

**AT 6.00 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 Arjun Mitra                      Councillor Melvin Cohen              Councillor Jim Tierney  
Councillor Alan Schneiderman              Councillor Shimon Ryde

**Substitute Members**

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

Please note 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](mailto:Abigail.Lewis@barnet.gov.uk) 020 8359 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 - 6
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	<b>Childs Hill</b>	
6.	85-87 The Ridgeway - 16/7996/FUL	7 - 22
7.	114-120 West Heath Road - 16/5993/FUL	23 - 78
8.	White Lodge, The Vale - 16/8017/FUL	79 - 94
9.	39 Woodstock Road - 16/6250/FUL	95 - 108
10.	8B Accommodation Road London - 16/5860/FUL	109 - 116
	<b>Golders Green</b>	
11.	1069 Finchley Road, NW11 OPU - 16/7565/FUL	117 - 142
12.	48 Ravenscroft Avenue - 16/8101/FUL	143 - 160
	<b>Garden Suburb</b>	
13.	15 North Square - 17/0348/LBC	161 - 168
14.	15 North Square - 16/6950/HSE	169 - 178
15.	North Western Reform Synagogue - 17/0369/FUL	179 - 192

	<b>Finchley Church End</b>	
16.	108-112 Regeants Park Road - 16/6950/S73	193 - 208
17.	Any item(s) the Chairman decides are urgent	

### **FACILITIES FOR PEOPLE WITH DISABILITIES**

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Edward Gilbert, [edward.gilbert@barnet.gov.uk](mailto:edward.gilbert@barnet.gov.uk), 0208 359 3469. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### **FIRE/EMERGENCY EVACUATION PROCEDURE**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

# Decisions of the Finchley and Golders Green Area Planning Committee

9 February 2017

Members Present:-

AGENDA ITEM 1

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

Councillor Arjun Mittra  
Councillor Alan Schneiderman  
Councillor Melvin Cohen  
Councillor Jim Tierney  
Councillor Jack Cohen (as substitute)

Apologies for Absence:-

Councillor Shimon Ryde

## 1. MINUTES OF LAST MEETING

**RESOLVED – That the minutes of the meeting held on 19 January 2017.**

## 2. ABSENCE OF MEMBERS (IF ANY)

Councillor Shimon Ryde was absent and was substituted by Councillor Jack Cohen.

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

Councillor Mittra declared a non-pecuniary interest in relation to the item on 34 Oakview Gardens N2 (16/6694/HSE) by virtue of living close to the property in question.

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

None.

## 5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

## 6. 114-120 WEST HEATH ROAD LONDON - 16/5993/FUL

The Chairman moved to defer the item on the request of the Planning Officer present. Votes were recorded as follows:

For	7
Against	0
Abstain	0

**RESOLVED – That the application be deferred to a future meeting of the Finchley and Golders Green Area Planning Committee.**

**7. 34 OAKVIEW GARDENS N2 - 16/6694/HSE**

The Planning Officer introduced the application, which related to 34 Oakview Gardens N2 (16/6694/HSE).

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	7
Against	0
Abstain	0

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

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

None.

The meeting finished at 7:10PM

**Location** 85-87 The Ridgeway London NW11 9RX

**Reference:** 16/7996/FUL

Received: 15th December 2016

Accepted: 22nd December 2016

**Ward:** Childs Hill

Expiry 16th February 2017

**Applicant:** JUBILEE INVESTMENTS

**Proposal:** Demolition of existing properties and garage and erection of two storey buildings with rooms in roofspace and basement level with associated lightwell to provide 5no self-contained flats and 1no single family dwelling. Associated parking, refuse and recycling store, amenity space

AGENDA ITEM 6

**Recommendation:** Approve subject to conditions

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

Site Location Plan; LP 01; SE.01; SE.02; SE.03; SE.04; SE.05; GA 201/A; GA 202/A; GA 203/A; GA 204; GA 205; GA 206/A; GA 207/A, GA 208; GA 209; GA 210/A; Boyer - Planning Statement

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF

and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 a) No development 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.

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

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

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

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

- 7 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).



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 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.

10 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management

Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing 83 and 89 The Ridgeway 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).

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 14 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.

- 15 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.

- 16 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.

#### **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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

- 4 If the proposal is carried out it will be necessary for the existing crossover to be amended by the highways Authority and for new crossovers to be constructed. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense.. Any street furniture including lamp columns, affected by the proposed crossover would be relocated at the applicant's expense. Relocation of lamp columns may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained. The proposal will require alterations to on street parking bays which will be subject to a statutory consultation. The tree section will be consulted regarding the highways tree in close proximity of the proposed crossovers. The outcome of these consultations cannot be pre judged.

The applicant should submit a vehicle crossover application to London Borough of Barnet, Barnet House, 11th Floor Highways, 1255 High Road Whetstone London N20 0EJ.

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

- 5 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
- 6 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 Barnet House, 11th Floor Highways, 1255 High Road Whetstone London N20 0EJ

- 7 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://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 application site is located on the north side of The Ridgeway opposite the junction with Ridge Hill, within the Childs Hill ward. The host buildings are a pair of semi-detached, two-storey residential dwelling houses.

The site holds no specific designation and is not located within a Conservation Area. The surrounding area is residential, characterised predominantly by detached and semidetached single family dwelling houses. Dwellings in the local area show considerable cohesion in age, architectural styling and features; the local area accordingly has a clearly identifiable established character.

The application site is unique in that it has an uncharacteristic gap between 85 and 83 The Ridgeway due to the unused free standing garage and overgrown garden to the east of the application dwellings.

### **2. Site History**

Reference: 16/3807/FUL

Address: 85-87 The Ridgeway, London, NW11 9RX

Decision: Refused

Decision Date: 15 August 2016

Description: Demolition of existing buildings and erection of two-storey building with rooms in roof space to provide 4 no. self-contained flats, and 1 no. single family dwelling including associated off-street refuse storage, 6 no. off-street parking spaces and associated landscaping.

Reference: 15/07835/FUL

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Refused

Decision Date: 29th February 2016

Description: Demolition of the existing semi-detached properties and detached garage to be replaced by two-storey building with rooms in roof space to provide 5no. self-contained flats, and 1no. single family dwelling including associated off-street refuse storage, 6no. off-street parking spaces and associated landscaping

The above application was refused for the following two reasons:

1. The development, by reason of the introduction of self-contained flats, would fail to respect the established character of the area which comprises predominantly single family dwellinghouses, contrary to Policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2011 and 2013), Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

2. In the absence of a legal agreement to restrict future occupiers from obtaining residents parking permits, the development would result in additional pressures on on-street parking to the detriment of the free flow of traffic and highway safety, contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

The Planning Inspectorate has allowed the appeal for the following reasons;

#### Character and Appearance

12. The proposed development would appear as two purpose built semi-detached dwellings and a detached dwelling and would be of a similar size and scale to the surrounding properties. It would therefore be in keeping with the predominant character and appearance of the residential area and have no materially harmful effect. Furthermore, whilst the proposal would result in the demolition of two family dwellings, it would create two 3 bedroom dwellings and one 5 bedroom dwelling, equating to an overall increase in the number of family dwellings in the area. As a result, it would contribute towards local housing needs as identified in the London Plan (adopted 2011 and 2013) (the London Plan) and the adopted Barnet Core Strategy 2012 (the Core Strategy).

#### Parking and highway safety

20. Consequently, I conclude that the potential increase in demand for on-street parking would be accommodated by the existing capacity in the area and would not be harmful to highway safety. Furthermore, I conclude that parking in the CPZ would not be so saturated as to result in any material additional pressures on on-street parking which would necessitate a restriction on parking permits for future occupiers. Therefore, the proposal would comply with Policy DM17 of the DMP. Amongst other matters, this policy seeks to ensure that residential development provides sufficient parking to meet its needs and does not have a significant detrimental effect on the safety of all road users.

Reference: 15/05841/FUL

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Approved subject to conditions

Decision Date: 12 November 2015

Description: Demolition of existing semi-detached dwelling and existing garage to form 3no self-contained dwellings with associated gardens and refuse space and parking. Creation of basement to lower level. Roof extension involving 3no rear dormer windows and 2no rooflights to front elevation

Application: C06473B/04 Address: 87 The Ridgeway London NW119RX Dated: 27.09.2004 Decision: Approve subject to conditions Description: Single storey front extension.

Application: C06473A Address: 87 The Ridgeway NW11 Dated: 08/08/1978 Decision: Lawful Description: formation of a rear dormer window

Application: C06473 Address: 87 The Ridgeway NW11 Dated: 30/06/1978 Decision: Lawful Description: dormer windows at rear

### **3. Proposal**

This application seeks consent for the demolition of existing properties and garage and erection of two storey buildings with rooms in roofspace and basement level with associated lightwell to provide 5no self-contained flats and 1no single family dwelling. Associated parking, refuse and recycling store, amenity space.

The application is essentially the same as the appeal scheme.

This current application seeks to include single storey rear extensions measuring approximately 2.3m in height and 1.8m in depth centrally located on the rear elevation,



providing additional space to the ground floor flats. It was originally proposed to provide a rear terrace to the flat roof of the rear extensions but this element of the proposals has been removed from the final scheme and the flat roof is noted as just for maintenance.

The enlargement of the ground floor units is also proposed by providing basement accommodation - the provision of a basement has already been deemed acceptable under application reference 15/05841/FUL dated 12.11.2015.

The number of lightwells serving the proposed basement accommodation has been reduced from 4 to 2 under this application but those 2 remaining are larger than the previously approved lightwells by approximately 400mm.

#### **4. Public Consultation**

43 consultation letters were sent to neighbouring properties.  
7 responses have been received

The views of objectors can be summarised as follows;

- Out of character
- Overlooking
- Concerns regarding parking
- Basement needs construction plans
- Flats unacceptable in this location
- Concerns regarding landscaping
- Impact on parking
- Will set precedent
- Built house appears out of character

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

###### The Mayor's London Plan 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 October 2016)

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 Assessment of proposals**

Extensions and additions

This application seeks consent to add a single storey rear extension to the pair of semi-detached properties; the proposed extension would measure approximately 1.75m in depth, 3m in length (with a total width of 6m across the rear elevation of the pair of semi-detached properties) and have a height of 2.85m with a flat roof, and be centrally located on the rear elevation.

The proposed extension is considered to be an acceptable addition to the development; it is modest and subordinate in size and scale ensuring no visual harm to the resultant flatted development. The position of the extension within the site is not considered to give rise to any loss of amenity to neighbouring occupiers.

It is also proposed to provide basement accommodation to serve the ground floor flatted units; the accommodation will consist of two additional bedrooms with en-suite facilities, with the main habitable rooms remaining above ground. The principle of providing basement accommodation as part of the development has already been established in the granting of planning permission for;

"Demolition of existing semi-detached dwelling and existing garage to form 3no self-contained dwellings with associated gardens and refuse space and parking. Creation of basement to lower level. Roof extension involving 3no rear dormer windows and 2no rooflights to front elevation." Under reference 15/05841/FUL dated 12.11.15.

Under this application the external manifestations of the basement accommodation consist of 2 lightwells adjacent to either side of the single storey rear extension. The lightwells have been increased in size by approximately 400mm but reduced in number from four to two. On balance the alteration is considered to be acceptable.

Originally this application proposed a balcony terrace to the flat roof of the proposed rear extension; this has now been removed from the scheme as there were concerns about the potential overlooking to neighbouring gardens as well the introduction of an out of character addition to the application site.

#### Principle of development

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.

Following the decision made by the Appeal Inspector in regard to application reference 15/07835/FUL dated 29th February 2016 whereby it was decided that self-contained units would not be detrimental to the established character and appearance of the area, maintaining plot spacing's and featuring architectural styling's which reflects the local area, it is considered that the principle of self-contained units in this location is acceptable.

#### Amenity of neighbouring occupiers

The form, scale and bulk of the proposals is the same as was given consent under the previously approved scheme for;

"Demolition of existing semi-detached dwelling and existing garage to form 3no self-contained dwellings with associated gardens and refuse space and parking. Creation of basement to lower level. Roof extension involving 3no rear dormer windows and 2no rooflights to front elevation" under reference 15/05841/FUL dated 12 November 2015.

It is therefore considered that the proposed development is acceptable in terms of the impact the scale and appearance of the building will have on the amenity of neighbouring occupiers.

#### 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 2016 and is considered to provide adequate internal space for future occupiers.

The proposed development would provide the following accommodation and amenity space:

#### Internal floor areas

Flat 1 (3b6p) 172m<sup>2</sup>

Flat 2 (3b6p) 172m<sup>2</sup>

Flat 3 (2b3p) 111m<sup>2</sup>

Flat 4 (2b3p) 111m<sup>2</sup>

Flat 5 (2b4p) 165m<sup>2</sup>

85 (single dwelling) 293m<sup>2</sup>

#### Amenity space provision

The gardens for the flats, not including the paths and any front garden area are the following sizes:

Flat 1	76 m <sup>2</sup>	(private)
Flat 2	89 m <sup>2</sup>	(private)
Flat 3	185 m <sup>2</sup>	(communal)
Flat 4	185 m <sup>2</sup>	(communal)
Flat 5	185 m <sup>2</sup>	(communal)

These dwellings would exceed 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 new dwelling houses of up to six habitable rooms, outdoor amenity space should be 70m<sup>2</sup>. Given the amount of land at the rear of the site it is considered that this requirement can be met.

The site has a PTAL rating of 3 and is located within a controlled parking zone. The proposed development offers two parking space for the detached house and four spaces for the 4 flats; this would require alterations to the existing dropped kerbs, the creation of enlarged hard standings to the front of the site, the potential removal of an existing street tree and lamp post as well as alterations to the existing Controlled Parking Zone by way of altering and removing one of the bays at the front of the application site. The decision by the Appeal Inspector noted the following;

"I conclude that the potential increase in demand for on-street parking would be accommodated by the existing capacity in the area and would not be harmful to highway safety. Furthermore, I conclude that parking in the CPZ would not be so saturated as to result in any material additional pressures on on-street parking which would necessitate a restriction on parking permits for future occupiers. Therefore, the proposal would comply with Policy DM17 of the DMP. Amongst other matters, this policy seeks to ensure that residential development provides sufficient parking to meet its needs and does not have a significant detrimental effect on the safety of all road users." It is therefore considered that the proposed development is acceptable on Highways grounds.

The proposed building is not considered to impact upon amenities of any neighbouring resident to a level of detriment even with the introduction of the single storey rear extension and the removal of the proposed balcony further reduces the potential for any loss of amenity to neighbouring occupiers. The building is stepped in at the rear so as to ensure that the outlook of no.83 is not adversely affected with a projection of only 3 metres beyond the recessed rear elevation of this neighbouring property. Similarly, because of the existing single storey car port on the neighbouring property as well as the proposed rear set back and recently constructed extension which was not built when the previous applications were made, the proposed development would not impact upon the amenities of the occupiers of no.89 to a level of detriment.

#### **5.4 Response to Public Consultation**

The concerns raised are noted. All planning matters are covered in the above report.

It should be noted that the design and appearance of the proposed development has already been accepted by the Planning department in the approval of application reference 15/05841/FUL dated 12.11.2015.

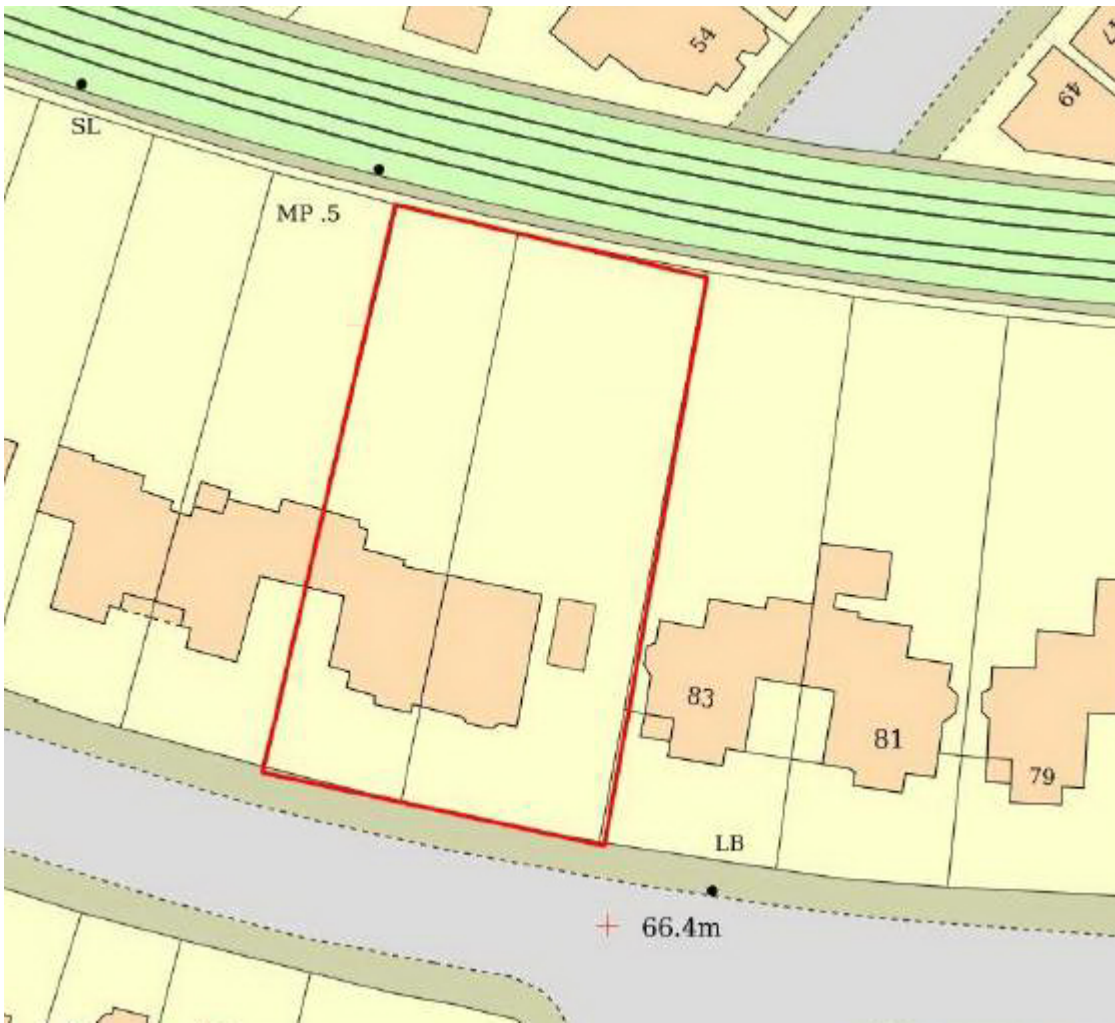
Concerns relating to the principle of providing flats at this location are noted but was deemed acceptable by the Planning Inspectorate following an allowed appeal under planning application reference 15/07835/FUL dated 29.12.2016.

#### **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 114-120 West Heath Road London NW3 7TX**  
**Reference: 16/5993/FUL** Received: 13th September 2016  
Accepted: 12th October 2016

## AGENDA ITEM 7

Ward: Childs Hill Expiry 11th January 2017

Applicant: UKI Hampstead Limited

Proposal: Demolition of existing buildings and comprehensive redevelopment of the site for a building arranged over basement, partial lower ground floor level and four to five floors above to provide up to 46no. Assisted/Independent Living units (class C2 residential) including up to 2no. guest suites, plus basement car parking and cycle storage, hard and soft landscaping, refuse and recycling stores

**Recommendation: That upon completion of the agreement specified in Recommendation 1, the Interim Head of Development Management approve the planning application reference 16/5993/FUL subject to the following conditions and any changes to the wording of the conditions considered necessary by the Interim Head of Development Management.**

### 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. . Woodland Management Plan
4. Highways Obligations
  - Travel Plan - The applicant shall enter into a Travel Plan Statement that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan shall include the following obligations to facilitate modal shift in the choice of transport mode available to staff and residents as follows:-
  - Travel Plan monitoring contribution of £5,000
  - Staff Travel Plan Incentive fund contribution of £150 per staff will be required to be selected from the following:
    - Oyster card with £150 credit uploaded
    - £150 towards membership of a car club with the residual amount as driving credit with the car club
    - £150 bike voucher.
5. Skills, Enterprise, Employment and Training Obligations

- Forecasting of details of trades or occupational areas offering Apprenticeship and job opportunities
- Notice of apprenticeship vacancies
- A local labour target of 30% and reporting on performance against that target
- Reasonable endeavours to incorporate the local supply chain, and reporting on performance in incorporating the local supply chain apprenticeships over the life of the scheme and end-use.-progression into employment places- progression into employment places (over 6 months)-school workshops, ideally to be delivered in relation to end use information.
- Provision of a Workplace Co-ordinator during the development phase, based within the company and responsible for the delivery of the LEA obligations.

## 6. Monitoring Costs

### 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: 500\_PL\_002, 500\_PL\_005, 500\_PL\_006, 500\_PL\_007, 500\_PL\_008, 500\_PL\_015, 500\_PL\_016, 500\_PL\_017, 500\_PL\_018, 500\_PL\_020, 500\_PL\_021, 500\_PL\_022, 500\_PL\_023, 500\_PL\_025, 500\_PL\_026, 500\_PL\_027, 500\_PL\_028, 500\_PL\_199, 500\_PL\_200, 500\_PL\_201, 500\_PL\_202, 500\_PL\_203, 500\_PL\_204, 500\_PL\_205, 500\_PL\_206, 500\_PL\_320, 500\_PL\_321, 500\_PL\_322, 500\_PL\_340, 500\_PL\_341, 500\_PL\_342, 500\_PL\_343, 500\_PL\_400, 500\_PL\_401, 500\_PL\_500, 500\_PL\_501, 500\_PL\_502, 500\_PL\_001, Planning Statement, 70015773-C-502 Rev A, 70015773-C-503 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 a) No development other than demolition 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 and basement 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 site works or works in connection with the development hereby approved other than clearance works shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

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

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

6 The development shall be implemented in accordance with the submitted Construction Environment Management Plan.

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

7 a) The development shall be implemented in accordance with the Waste Management Strategy and the refuse and recycling facilities provided in full accordance with the Waste Management Strategy 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 The development shall be implemented in accordance with the submitted recommendations in the Ground Investigation Report, Generic Quantative Risk Assessment and Environmental Desk Study.

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.

9 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 apart from demolition and works to the basement.

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.

10 a) The development shall be implemented in accordance with the submitted Tree Protection Plan and a Method Statement

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

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

11 a) No development other than demolition and site clearance shall be commenced until details of a Landscape Management Plan and Landscape and Ecological Management Plan (LEMP) (which incorporates the recommendations provided within the EP11 within the associated Bat Tree Survey), for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

12a) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features set out in the Flood Risk Assessment and Outline Drainage Strategy 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.

13 Before the development hereby permitted is occupied, car parking should be provided in accordance with drawing 500 PL\_100 and 500 PL\_199 and spaces 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 Policies of the 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 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 8 of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 8 of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

15 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with the submitted Transport Statement 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.

16 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).

17 The premises shall be used for a extra care facility and for no other purpose (including any other purpose in Class C2 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.

18 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 10 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

19 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part

24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

20 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).

21 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.

22 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new units (Class C2) 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.

23 Prior to the first occupation of the new units (Use Class C2) 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.

24 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures in accordance with the submitted Energy Strategy to achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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.

25 a) No development shall take place apart from demolition and site clearance until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

26 Prior to the first occupation of the development, details of any works proposed on public highway including access arrangement for the site of the public highway shall be submitted to and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

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

27 The applicant shall provide further groundwater monitoring to inform temporary works design, as well as updating ground movement and damage impact assessments once demolition options are finalised and following discussions with the piling contractor. An appropriate monitoring plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development has an acceptability on the stability of the land and hydrogeology of the area in accordance with policy DM04 of the Development Management Policies 2012 and Sustainable Design and Construction SPD 2016.

28 The development shall be implemented in accordance with the recommendations in the submitted Air Quality Assessment.

Reason: To safeguard local air quality

29 The development shall be implemented in accordance with submitted Ventilation Report before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

30 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

31 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).



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

32 The development shall be implemented in accordance with the measures set out in the Environmental Noise Survey the measures ~~approved under this condition~~ shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

33 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

34 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

35 Prior to the occupation of the development hereby approved, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning

Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

Reason: To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan and to mitigate the impact to species including bats in accordance with policies CS7 and DM16.

36 Before the development hereby permitted is occupied, the applicant shall provide a statement setting out how the development complies with Secure By Design principles. The development shall implemented in full accordance with these details.

Reason: To ensure that the development has an acceptable impact on security in the area.

37 The development shall be implemented in full accordance with the recommendations set out in the Preliminary Avoidance and Mitigation Measures sections 6.3.1 of the Extended Phase 1 Habitat Report. These works should be carried out by, overseen or advised by a suitably experienced ecologist and in strict adherence to the submitted CEMP.

Reason: To ensure that there are no adverse impacts upon protected species within the site or the neighbouring Hampstead Heath Site of Metropolitan Importance for Nature Conservation (SMINC) and associated Habitats of Principal Importance such as the Lowland Mixed Deciduous Woodland.

38 No development in respect of 114 West Heath Road shall commence until the LPA has been provided with the licence in relation to bats issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising that the works can go ahead.

#### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 24/02/2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of monitoring the required travel plan. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013), policy DM17 of the Development Management Policies 2012

The proposed development does not include a formal undertaking to provide a Local Employment Agreement in order to offset the loss of employment floorspace on site. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013), policy DM14 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document : Skills, Enterprise, Employment and Training.

The proposed development would result in the harmful loss of trees of special amenity value. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013), policy DM01 of the Development Management Policies 2012

**Informative(s):**

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

Informative: The applicant is advised that the council will not adopt the estate road(s). However, if the councils refuse vehicles are required to enter the site, the estate road(s) must be constructed to adoptable standards. Details of the road construction requirements can be obtained from, London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ. The submitted refuse collection details are not suitable for council's refuse collection and alternative collection arrangements must be submitted.

Informative: Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Informative: For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses.

Informative: As proposed in the Transport Statement the vehicular ramp access to

the basement parking shall have a gradient not steeper than 1:10 otherwise the ramped access will need to be designed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks. 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.

Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £406,525.00 payment under Mayoral CIL. The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £1,568,025.00 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required

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

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

#### Relief or Exemption from CIL:

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or 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](http://legislation.gov.uk)

Please visit

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

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

- For large sites only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Copy of an asbestos survey
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday – Friday, 8am-1pm Saturday and not at all on Sundays and bank

holidays. Bonfires are not permitted on site.

The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set healthbased 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 most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance: 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQMTG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16), 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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

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.

The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:

Please note that:

- Flue(s) must be 1.5 m\* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final

discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. \*If the flue is in a Conservation area then this height may be reduced to 1m above eaves.

- 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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.

Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://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



## 1. Site Description

The site is located on the east side of West Heath Road. It currently consists of:

- o Main front building, attractive late 19th century building of three storeys
- o A two storey flat roofed business centre which appears to date from the 1960s.
- o Front lodge building (Locally Listed) that is not part of the site.

The site is approximately 0.67 square metres in area. Trees to the front of the existing buildings are included in area Tree Preservation Orders, as are trees adjacent to the rear boundary with 1 Eden Close.

## 2. Site History

C01595 - Connecting link between two buildings. – Approved – 08/08/1967

C01595A - Construction of single-storey extension to form two new bedrooms and the erection of six new garages with the conversion of an existing block to provide four garages. – Approved - 20.11.1967

C01595B - erection of single storey extension containing 2 bedrooms and 6 new garages. – Approved – 22/03/1968

TREC01595D - Treat 2 Sycamore, 1 Cedar, 4 False Acacia, 1 Laburnum, 1 Beech, 1 Yew and 1 Oak standing in area A26 of Tree Preservation Order and remove 3 False Acacia and 1 Purple Leaved Plum – 24/07/1996

C01595F/04 - Refurbishment of existing 22 no. self contained residential units. – Unlawful – 16/04/2004

C01595G/06/TRE - 3 x Birch - Dead. Standing in Area A3 of Tree Preservation Order – Exempt – 28/11/2006

C01595H/06/TRE - 1 x Birch - Fell. Standing in Area A3 of Tree Preservation Order – Approved – 15/01/2007

C01595J/07/TRE - 1 x Lawson Cypress - Prune to give Clearance from Road as Specified. Standing in Area A3 of Tree Preservation Order = Refused – 15/01/2007

C01595K/07/TRE - 1 x Lawson Cypress - Prune back Northern Side of Crown back to Main Stem to a Height of 4m above Ground Level. Standing in Area A3 of Tree Preservation Order – Refused – 10/04/2007

TCA/17855/08/F = Ash - Lift 2 Branches as Specified to Maintain 12m Ground Clearance, Cut Back Overhanging Sucker to Boundary of 124 West Heath Road. Standing in Area A3 of Tree Preservation Order = Approved subject to conditions – 15/10/2008

TPO/00420/11/F - 1 x Ash (T5 Applicants Plan) and 1 x Pine (T7 Applicants Plan) - Crown Lift to 12m Branches Overhanging 124 West Heath Road. All Standing in Area A26 of Tree Preservation Order – Approved subject to conditions - 19.09.2011

TPO/00421/11/F - 1 x Yew (T9 Applicants Plan) - Pollard to 5m. 1 x Yew (T11 Applicants Plan) - Reduce by 20%. Both Standing in Area A3 of Tree Preservation Order – Approved subject to conditions- 19/09/2011

### **3. Proposal**

The proposals are for the demolition of existing buildings and comprehensive redevelopment of the site for a building arranged over basement, partial lower ground floor level and four to five floors above to provide up to 46no. Assisted/Independent Living units (class C2 residential) including up to 2no. guest suites, plus basement car parking and cycle storage, hard and soft landscaping, refuse and recycling stores.

### **4. Public Consultation**

Consultation letters were sent to 84 neighbouring properties.

5 responses have been received, comprising 4 letters of objection, and 1 letters of comment.

The objections received can be summarised as follows:

#### *Highways Impacts*

West Heath Road, a solely residential road, has become a very busy through route for traffic of all kinds from Golders Green to Whitestone pond, and onwards either to Highgate, or the City - and in particular to various schools in Highgate and Hampstead - (and vice versa).

The size of this development will add a large amount of permanent coming and going of cars - not only of residents, but visitors, staff, etc. -as evidenced by the scale of the underground parking facility they are proposing.

At present, traffic in both directions is continuous, from morning tonight, and at school run times it is bumper to bumper. An increase in permanent traffic of this

amount will add considerably to air pollution , and also in difficulty in moving around for residents: it will become more difficult to cross the road for pedestrians, more dangerous for cyclists, and more difficult to drive in and out of residents garages.

We feel that West Heath Road has just about reached saturation point of traffic pollution and difficulties. A development of this kind will cause a permanent and marked deterioration in the amenities for residents.

### *Construction Issues*

We are told that it will take three years - and it will begin with a six month period of excavation, which will need 30 lorries a day. The development/construction company promises to be considerate, and listen/respond to any problems. I am sure they are sincere and will do their best to manage things as carefully as possible. But construction by its very nature causes noise, dirt and disturbance. For example, I know from experience of a recent development in our road of two new houses, that excavation and drilling causes unpleasant vibration in nearby properties quite apart from the noise.

A development of this size and scale - and duration - will make life very uncomfortable for neighbouring residents on a daily basis for a very long time.

If this proposal is allowed, the neighbouring resident's three years of discomfort and disturbance will only be to the profit of the developers. At the very least there should be some form of compensation for such a very long period of deterioration in daily life for residents.

There will be chaos if truck deliveries are made during rush hour which is from 7-15am to 9-30am. No deliveries or waste removal should occur at this time.

Trucks should not be allowed to wait in West Heath Road "WHR" to be called in for delivery. They should wait further out. This will lessen the traffic issues.

Exiting trucks should be allowed to exit down West Heath Road to the left as opposed to only allowing trucks in and out from the right of WHR. Why should all the traffic flow in and out from my side of WHR

I am concerned about noise levels of the trucks up and down WHR and on the offloading and loading on the site

I am concerned about the dust that will settle on our properties (Windows, window sills ,cars etc). There should be some monetary allowance given to affected residents to keep their properties in a normal state.

I am concerned about damage to WHR and the pavements which have just been replaced at huge cost.

Unbelievably, the scheme proposes just 4 spaces for all visitors and employees on the site.

Examining the proposal, the following spaces are shown on the plans - each of which must surely represent at least one person; Reception; Manager's office;  
24 Hour nursing and welfare suite; Residential guest/Carers suite; Restaurant (2 people minimum?);  
Kitchen (2 people minimum?); Laundry; Hydrotherapy pool

In fact, the transport statement included with the application states that there will be 21 staff. With 46 units, one may reasonably expect there to be many visitors - and certainly more than 2 at a time.

It is a 12 minute walk to Golder's Green tube station, and many of these staff will require specialised equipment and are more than likely to drive to work. This will inevitably lead to massive congestion on the West Heath Road (not just owing to car movements, but because of car-parking) - already almost stationary at peak times. Below are traffic data figures for West Heath Road, and also, randomly chosen, two other existing, similar developments, showing traffic difficulties nearby.

### *Appearance of Development*

The site is adjacent to Golders Hill Park and in a general conservation area, the proposed development will change this quiet spot and bring in road congestion to an area where there is already congestion and limited parking to local residents.

Overall our feeling is that this building should remain as it is, a 3 storeys Victorian house with pitched roof and no windows overlooking our rear elevation.

Our principal concern is that this development application is well crafted but is vastly over density. At the moment we see a building of three floors against a 4/5 floor plus basement which is excessive and pulling nearly 50 flats on site is not good planning .

Much is discussed in the Applicants Design and Access statement regarding the form and design of the proposed building, but in the documents, the applicants themselves have provided a 3D image which illustrates perfectly the point that the proposal is simply out of scale with this sensitive, historic neighbourhood. The existing buildings on the site vary in size and scale, and notwithstanding a significant footprint, the small-scale of the individual components are important contributors to the grain of the built form, and typical of the Conservation Area. Existing development 3D model.

Extracted from daylight, sunlight & over shading report by Point surveyors The proposal, however, is, by comparison, a monolithic block, the scale of a hospital, completely out of character with its neighbours, which themselves are not small structures. Proposed development 3D model. Extracted from daylight, sunlight & over shading report by Point surveyors.

As stated in the introduction, the grain of the area is made up of small-scale buildings, often linked or closely adjacent one to the other, to produce a varied and interesting organic form of development, brutally ignored in this proposal. The cruciform of the proposal, which is ideal for allowing light into all units, does nothing to break up the form of the proposal to any effect, and each of the "arms" of the cruciform are too large on their own, and the sum of the parts is grossly out of proportion. Opportunities and constraints with proposed scheme overlaid. Extracted from the submitted Design and Access Statement, page 24.

The 3D drawing on page 2 and the overlay below shows the sheer bulk of the new proposal, particularly when compared to what was there before. It can be seen that the homogenous form and massing totally overwhelms the houses around it on all sides.

It is perfectly clear from the Applicant's own submission, that the easily recognisable pattern of development in this area is on the road edge. Notwithstanding the fact that the existing buildings on the site are set back, this is no longer the predominant pattern of development, and this has been ignored, in our view, indicating a general failure to understand the context. Google Maps extract with West Heath Road street alignment.

### *Amenity Issues*

We are concerned that the newly erected construction will be higher than current therefore we no longer have privacy as we had over so many years. The building will come very close to our fence and windows may overlook to over garden. There is a road also leading to both the properties which we share. The proposed construction will bring more traffic to the road in question therefore we need to know how planners will deal this or the plan entails only one access to the property via current main entrance.

No drawing was provided as part of the application to show clearly the comparison between the existing buildings on site and the proposed buildings.

This will be the new outlook from my clients' properties if the scheme is built as currently proposed, and this will be just 21 meters from his house windows - that is half the width of a football pitch.

It is well known that the elderly do not sleep quite as long as younger people, and it is very likely therefore that there will be lights on the upper stories during normal sleeping hours.

There are 64 windows proposed on the elevation facing my clients' houses, as well as the fully glazed penthouse floor. Light from all these windows will shine straight into the windows of the first floor bedrooms at 1 and 2 Eden Close. These two houses are already badly affected by the lights from the new school on the corner of Eden Close and West Heath Road. If the building was lower, this would be less of a problem.

A further objection has been received on behalf of the Corporation of London as owners of Golders Hill Park.

*'The site is located directly adjacent to Golders Hill Park, as well as within an Area of Coordinated Character. Therefore, the site is considered to be a sensitive location in terms of views, character and openness. The application, which proposes "partial lower ground floor level and four to five floors above", is significantly higher in comparison with the existing buildings on site as well as the surrounding buildings on West Heath Road which predominantly comprise private residential properties and flatted developments of 2-3 storeys.*

*The size, bulk, siting and design of the proposal is visually intrusive and would be detrimental to the visual and residential amenities of occupants of neighbouring properties, as well as to views from Golders Hill Park.'*

*'The proposed development will lead to intensification of the site and an associated increase in vehicular movements due to residents, staff and visitors. The City has concerns in relation to how this will impact on Golders Hill Park and the surrounding area, particularly in relation to traffic and parking. It is not considered that the application provides sufficient justification or mitigation measures to alleviate its concerns.'*

*'There are a number of trees which are proposed to be removed as a result of the proposals. The Arboricultural Report identifies that 32 trees are to be lost in total. This is fairly substantial given the leafy nature and suburban character of the locality, as well as being located adjacent to Golders Hill Park. The character of the area is largely established by this open space framed with residential properties, their landscaped gardens and mature trees. The proposed development fails to protect and preserve existing trees and landscaping. Therefore, the City considers that the substantial loss of trees on the site will erode the special character and nature of the area.'*

Councillor Rutter has commented on the application as follows:

*"As the Ageing Well Champion of the Borough of Barnet, I have vast knowledge about dementia and the affects on families when loved ones eventually have to go to a care home. The affect on being separated from your loved one is hard to endure and the affects of isolation of the one left behind is even more devastating. Barnet Council promote independent living which I approve of and this development is not only going to provide that but it is also going to provide assisted living which is a big plus.*

*I approve of any development that is able to provide people with mental health conditions or other disabilities with the help and assistance to be able to continue to live their life as normal as possible with the safe knowledge that they can receive the tailored care that they need and can also continue to live with their partner for the remainder of their life.*

*I am informed that this development offers residents multiple tenure options which will include both the opportunity to buy as well as to rent. This I believe is important*

*as we want to be able to cater to the financial needs and capabilities of all residents. I am also informed that care will be provided all the way through to end of life palliative care.*

*In my view this development is a much needed development especially as our population grows and we are living longer. I hope that my views help when considering this application.”*

A Site Notice advertising the proposals as a Major development was advertised on 13/10/2016

A Press notice was issued on 26/01/2017

### Consultation Responses

Adults and Communities – The scheme is broadly in line with the local strategy to encourage a spectrum of supported accommodation services for residents which prevent them from entering into long term residential care. However the proposal as set out is clearly aimed at providing luxury accommodation and will not be accessible to many elderly Barnet residents. Adults would suggest that consideration be given to requiring a proportion of the scheme be affordable housing and/or available to those in receipt of housing benefit.

### Trees

Objection, contained within main report.

### Highways

No objection, comments contained within main report.

### Environmental Health

No objection subject to conditions

### Historic England Archaeology

Report provided by the applicant is acceptable and no further information is required.

### Urban Design

No objection, comments contained within main report.

### Metropolitan Police

The proposals would need comply with Secure By Design.

### Public Health

No comments to make

## London Fire Brigade

Initially objected as compliance with part B5 of the Building Regulations had not been demonstrated. The objection from the London Fire Brigade has been withdrawn as the applicant has confirmed that part B5 of the Building Regulations will be met.

## Lead Local Flood Authority

The applicant had previously consulted us regarding the proposed development and they referenced some of the guidance provided. The application is considered sufficient, though we have requested that additional details be provided as a condition on the development. One item to note is that the applicant has proposed to store excess surface water within the basement of the building for the 1 in 100 year event +40% allowance for climate change. All other events will be stored within the rainwater attenuation tank beneath the basement. It is our understanding that this will only impact basement car parking, and not dwellings or other sensitive equipment within the building. We have requested that the applicant provide additional details on this when submitting the final detailed design and to not exceed the 50mm maximum ponding specified in this application. We've also noted that the applicant should take steps to mitigate negative impacts from this temporary water storage within the basement.

## Natural England

### **Statutory nature conservation sites – no objection**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

### **Protected species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

### **Local sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR)



the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

### *Thames Water*

#### **Waste Comments**

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

{\b 5. Planning Considerations}

{\b 5.1 Policy Context}

{\ul 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.

{\ul 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.

### 3.17 – Health and Social Care

The Mayor will support the provision of high quality health and social care appropriate for a growing and changing population, particularly in areas of underprovision or where there are particular needs.

### 6.1 – Strategic Approach

The Mayor will work with all relevant partners to encourage the closer integration of transport and development.

### 7.4 - Local Character

Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive

elements that can contribute to establishing an enhanced character for the future function of the area.

## 7.6 Architecture

Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.

{\ul 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, CS5, CS10, CS11, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM14, DM17

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

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

Policy DM03 states that Development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

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

Policy DM04

- a. All major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy.
- b. Where Decentralised Energy (DE) is feasible or planned, major development will either provide:
  - i. suitable connection
  - ii. the ability to connect in future
  - iii. a feasibility study
  - iv. a financial contribution to a proposed feasibility study.
- c. i. Where there is a localised source of air pollution, buildings should be designed and sited to reduce exposure to air pollutants.
- ii. Development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate.
- d. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.
- e. Proposals on land which may be contaminated should be accompanied by an investigation to establish the level of contamination in the soil and/or groundwater/surface waters and identify appropriate mitigation. Development which could adversely affect the quality of groundwater will not be permitted.
- f. Proposals for Notifiable Installations or developments near to existing Notifiable Installations will only be permitted provided that:
  - i. There is no unacceptable risk to an individual's health and safety; and
  - ii. There will be no significant threat to environmental quality.
- g. Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off. All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF (paras 100 to 104) and provide information on the known flood risk potential of the application site.
- h. Development proposals will wherever possible be expected to naturalise a water course, ensure an adequate buffer zone is created and enable public accessibility. Where appropriate, contributions towards river restoration and de-culverting will be expected.

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

Policy DM09 states that housing proposals for older people should:

- i. help to meet an identified need;
- ii. demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area; and
- iii. be within walking distance of local shops and easily accessible by public transport; and
- iv. provide adequate communal facilities including accommodation for essential staff on site.

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

#### Policy DM14

- i. Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non B Class use will not be permitted.
- ii. Outside these locations loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.
- iii. Office space (Class B1) should be retained in town centres and edge of centre locations. Loss of office space (Class B1) will only be permitted in town centres and edge of centre locations where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which provides some re-provision of employment use, residential and community use.
- iv. 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.
- v. Where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training.

#### Policy DM17

##### a: Road safety

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

##### b: Road hierarchy

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

##### c: Development, location and accessibility

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

##### d: Transport assessment

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

e: Travel planning

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

f: Local infrastructure needs

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

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

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

iv. Where appropriate, development will be required to improve cycle and pedestrian facilities in the local catchment area by providing facilities on site and/or funding improvements off site.

g: Parking management

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

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

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

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

2. Residential development may be acceptable:

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

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

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

{\ul 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.

Skills, Enterprise, Employment and Training

{b 5.2 Main issues for consideration}

The main issues for consideration in this case are:

- Whether the Principle of the Development is acceptable
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether the proposals would cause loss of trees of special amenity value
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide acceptable living accommodation for future residents
- Whether the proposals would have acceptable impact on highway and pedestrian safety
- Whether the proposals would have acceptable impact on stability and hydrogeology
- Whether the proposals would have acceptable ecological impact
- Whether the proposals would have acceptable security impact
- Sustainability Issues
- Section 106 Issues

### **5.3 Assessment of proposals**

#### 1. Whether the Principle of the Development is acceptable

##### *1.1 The Demolition of the existing building*

The applicant's heritage statement states that the main villa building at no 114 West Heath Road was built as a large Victorian villa, with a gatehouse from the same period and stable block and mid-late twentieth-century additions. Built of brick with stone dressings, its style mixes elements of French Renaissance, Baroque and Tudor and its massing is asymmetric.

The LPA is of the view that the existing 19<sup>th</sup> century building should be considered as a Non-Designated Heritage Asset. Therefore paragraph 135 of the NPPF would apply.



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.'

Discussions with Conservation Officers have identified that the existing villa building on site as a Non- Designated Heritage Asset. It is recognised that the applicant has also produced an assessment of the villa building and arrived at a differing conclusion.

The loss of the Non-Designated Heritage Asset needs to be weighed up in the planning balance against the merits of any redevelopment scheme.

### *1.2 Land Use*

The existing buildings on site are in use as offices. The proposals involve the loss of these buildings. This would be contrary to policy DM14 of the Development Management Policies document which states that loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken.

However the following additional factors must also be considered:

- The site is a non-conforming use in a residential area.
- The proposed care home use will generate significant levels of employment.
- Officers consider that the site is unlikely to be viable for office use given their current condition and location

The applicant advises that the existing offices are dated and do not meet modern business requirements, this in combination with the location outside an established centre means that the Site is better suited for the proposed C2 use.

In addition to the report, it is understood that the applicant has undertaken a marketing exercise and that there was no interest from office operators. It must be noted in any event that the proposals would provide significant levels of employment.

It is acknowledged that the development will contribute to Barnet's housing needs by releasing family homes to the market, creating employment and reducing burden on the NHS.

In this way the loss of the employment use is considered acceptable, and furthermore is not viewed as a departure from the development plan. As part of any necessary legal agreement, the Skills, Enterprise, Employment and Training team have advised that a Local Employment Agreement will be required. In this case a commuted sum towards offsetting the loss of employment use is not considered

necessary given the existing non-confirming use on site outside a suitable location for offices, as well as the moderate level of employment the use would provide.

The Use Classes Order sets out a distinction between residential institutions (Class C2) and dwellinghouses (Class C3). There is case law on the definitions of both, and indeed cases have been found where an intermediate between the two could be described as a sui-generis use. Generally speaking, extra care units that appear to be self-contained units of accommodation will be treated as falling within class C3.

It is important to assess element of care would be provided and further details would be suggested in order to determine whether affordable housing is required (Or whether the units would comprise affordable housing) and to determine which standards are applicable.

The LPA is of the view that the proposed use would fall within use class C2. This is because:

- The level of care exceeds that within a C3 use.
- Accommodation is not self-contained.
- 24 Hour care from nurse is available.
- Communal facilities will include multiple activity spaces and residents lounges to encourage socialising.
- Meals and personal services are routinely provided to all residents.
- Supervised facilities will be provided

The detailed floor plans provided show that adequate nursing and care facilities, as well as facilities for residents, kitchens and servicing would be provided.

### *1.3 Need for Extra Care Housing*

In line with policy DM09 proposals for older persons housing need to demonstrate that there is a need for a new extra care centre in this part of Barnet which states:

'Housing proposals for older people should:

- i. help to meet an identified need;
- ii. demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area; and
- iii. be within walking distance of local shops and easily accessible by public transport; and
- iv. provide adequate communal facilities including accommodation for essential staff on site.'

The pre-amble goes on to say:

'Any new extra care housing and care homes for older people should be within reasonable walking distance, defined as 500m, of a local parade of shops/ local

centre or town centre. Providing communal space, both for visitors and staff, on site supports the provision of high quality care for older people, and facilitates visits from friends and family that they value highly. Ensuring adequate facilities for staff will help support them in providing a service.'

A statement has been prepared by the applicant in support of the scheme.

It is noted that the site is not located within a town centre. It is approximately 500m from Golders Green Town Centre. Furthermore, the site is located in an area of moderate accessibility – PTAL Rating 3. As such the site is considered an appropriate location for extra care housing.

The LB Barnet Housing Strategy sets out that the elderly is one the fastest growing population groups and notes that the provision of housing for older people is a 'particular challenge'.

The Core Strategy identifies providing increased housing choice in mixed communities including extra care housing and the need for lifetime homes in order to promote independence and to support vulnerable adults. Evidence forming part of the Core Strategy provided by The Ageing Society shows a continuous requirement for extra care accommodation of about 500 additional homes over the next 15 years. In addition, the Council's Adults and Communities Team support the proposals.

Furthermore, the proposals would assist in freeing up as a result residential accommodation within the area which could contribute to wider housing stock.

It is therefore considered that there is a specific need for the Extra Care housing of the manner proposed.

#### *1.4 Density*

There is no specific guidance on density of development for extra care housing schemes.

However, if compared against the standards for general needs residential development in the London Plan the proposals would be policy compliant.

The development density is considered appropriate for the site.

#### *1.5 Unit Mix*

The proposals consist of 44x2bedroom units and 2x1bedroom units. It is understood that this reflects typical demand for extra care housing and no objection is raised to this.

## 2. Impact on the character of the area

### *2.1 Layout*

The proposals would result in an increased footprint of development on site. However it should be noted that the existing site is large in size at 0.67ha and the

existing building on site could be considered to be unusually small in relation to the size of the plot.

The proposed development is considered to be of an appropriate size when in relation to the substantial size of the plot. The site coverage is not considered out of character with other developments in the surrounding area with less than 30% of the site being developed.

It is considered that the proposed layout for the development would involve significant increase in the amount of development on site, but that this would not harmfully detract from the character and appearance of the area given that there is relatively little pattern to the development in the area; consisting of a mixture of linear and cul-de-sac developments as well as mansion style blocks such as this site.

## *2.2 Scale and Massing*

The proposed building would range between 4 and 6 storeys in height. It would take the form of linked blocks connected by linked elements. The north-east block closest to houses on Eden Close and Golders Hill Park would be reduced to 4 storeys in order to achieve more satisfactory relationship to these buildings. The linked elements would help reduce the perceived scale of the proposed development.

Generally development in the immediate area is between 2 and 4 storeys in height, though there are examples of taller development of up to 5 storeys elsewhere on West Heath Road. While the building would be taller than neighbouring buildings it would be set back into the site. As such the additional height would not appear jarring or awkward against neighbouring buildings.

In summer months, the retained trees to the front of the site would help provide setting for the building.

The site is located adjacent to Golders Hill Park. Verified views have been provided in support of the scheme by the applicant. It would appear that some views of the upper floors may be visible from a distance into Golders Hill Park, however it is not considered that this would detract significantly from appearance of the area.

The development would take advantage of the existing slope of the land in order to create lower ground floor level under the existing building.

The Urban Design Team considers that the essential distances are maintained with only minor discrepancies at most and the building seems to sit comfortably behind thick foliage in the spring and summer months, consisting it virtually invisible. In the winter months the building is visible through branches, however the use of materials masks its presence consisting it not overbearing.

Overall, officers consider that the proposals would have significantly more presence than the existing buildings on site, however, in the view of officers the site has scope

to accommodate more development than exists at present. The applicant has designed the scheme in order to minimise these impacts.

### *2.3 External Appearance*

The proposed development incorporates materials such as:

- Metal Louvred Panel
- Warm Toned Brickwork
- Precast Concrete Panel

The Council's Urban Design Team have been consulted on the proposals and are supportive. They consider that the materials presented are demonstrating important design considerations on the surrounding natural and built environment. The materials are tactile and sampled in the right colour palette while allowing for the natural ageing process to happen in depth of time. Stone and wood juxtaposed offers a good mix of earth colours to blend with the intense green surrounds. The glass used as part of the fenestration or balustrading reflects colours and allows for pleasant, inviting visual breaks on the mass of the building.

Officers generally consider that the proposals would be of high design quality. Conditions are suggested regarding materials details in order to ensure that this is delivered if planning permission is granted. However the overall appearance would enhance the surrounding area and contribute positively to the streetscene

### *2.4 Landscaping*

The proposed scheme would increase the built form of the building significantly above what currently exists on site. The built form would retain trees to the edges of the site to retain the wooded character that currently exists. The landscape strategy incorporates enough variation in planting, while considering people's movement through the proposed gardens. The initial comments issued were respected. Buffering applied and enough uses within the garden areas. However it is suggested that additional detail is provided taking into account the tree officer's comments below.

The proposed detailed landscaping scheme is also discussed in the Trees and Landscaping section below in part 4.

## 3. Affordable Housing

The proposals would provide additional extra care (Class C2) housing. The Mayor's Housing SPG (May 2016) states that 'some boroughs have a surplus of affordable specialist housing (some of it in need of modernisation), but all have a shortfall of private provision, and some demand for intermediate sale products. The type of intermediate products that are suitable for older people are likely to be different to mainstream intermediate products. For example, for older people that own their

current properties outright, shared ownership, which requires rent to be paid on part of the property, is unlikely to be as attractive as shared equity or leasehold for the elderly products where no rent is paid. The intermediate market, particularly for specialist accommodation for older people, is very much an emerging market; boroughs are encouraged to work with providers and developers to devise products that better meet the needs of London's emerging older population. Consultant's report that because of the ancillary services and layout required for new specialist older people's housing, development costs are usually significantly higher than for general needs housing, even when associated direct or indirect revenue streams are netted off. It is therefore important that viability assessments to identify developer contributions are sufficiently sensitive }to take these additional net costs into account. This may require 'bespoke' viability assessments and, if necessary their independent validation. LPAs are encouraged to take these costs into account when developing their local CIL charging schedules and to set a lower CIL rate for specialist older persons accommodation than for general needs housing where viability evidence supports this approach. As with housing generally, the Mayor seeks to encourage rather than restrain development of specialist housing and, in line with NPPF requirements, this requires a thorough appreciation of viability.' }

Barnet's Local Plan does not have a specific policy on affordable housing for extra care accommodation. On recent similar planning applications referred to the Mayor, officers are aware that affordable housing has not been sought. Extra care housing is a relatively new concept and therefore the position regarding affordable housing continues to evolve.

#### 4. Whether the proposals would cause loss of trees of special amenity value

There are three Tree Preservation Orders (TPO) covering and bordering the site; TPO/CA/285 (1994), TRE/HE/3 (1955) and TRE/HE/13 (1972).

- TPO/CA/285 an area order protects trees within the adjacent property within 110 West Heath Road.
- TPO TRE/HE/13 has Area, Group and Tree designations. The Area Order A3 covers land which has applicants referenced tree numbers T16 to T23, T34 to T37 and T41 to T44; G70 protects applicants ref. T6; T89 protects applicants ref. T91
- TPO TRE/HE/3 has an area designation. The Area Order covers land which has applicants referenced tree numbers T25, T26, T31, T32, T33; T46 to T49 and T50 to 95.

The trees and landscaping comments are now revised as there have been further discussions with the Council's Tree Officer. Whilst the objection from tree officers remains there has been further clarity on this issue and this is reflected below. The applicant's arboricultural consultant has provided some clarification which has gone some way to addressing the tree officer's concerns regarding the scheme.

The difference in opinion on the trees now relates only to 5 of the trees on site. 21 trees are to be removed (T34, T39, T41, T42 and T45) A total of 29 trees and 1 group (48) made up of yew trees and mature rhododendron will be removed to facilitate this proposal. 17 of these trees are protected by tree preservation orders TPO/TRE/HE/ 3 & 13.

The applicant has committed to providing a landscaping scheme which proposes significantly planting including 28 trees. 28 new deciduous and evergreen trees are proposed to be planted around the site. The 9m high trees specified, largest available nursery stock, is best available option to start offsetting the loss of trees for this development. The age of the trees removed range between 60 to 100 years plus and therefore cannot be considered a direct replacement. As such there will be a considerable period of time where there is a loss of tree canopy cover in the site.

The sub station is to be located on left side of driveway, currently positioned between T24 and T25. T25 is a young mature yew tree that is developing well and is likely to continue to develop for another 500 years. To achieve this location the yew tree would need to be coppiced and then allowed to regenerate. Trees regenerate faster from coppice stools than when planted T24 will be removed for the sub-station. Then replacement planting will offset the loss in the medium term.

A provisional landscape master plan has been submitted for the landscaping around the building BHSLA-54702.02.08 Rev 8. The primary species selected for offset planting are broadly acceptable being a mixture of evergreen and deciduous trees planted around the boundary of the site. Some minor amendments on species may be required along the back boundary to diversify the species range in the interests of climate change and resilience. 3 Details of the succession planting and long term management is need along the wooded strip along West Heath Road. The size of trees planted will mean that an intensive maintenance regime will be necessary to ensure establishment. These details will need to be submitted. The shrub and herbaceous planting lists are broadly acceptable and final details of locations and densities will need to be provided. The proposal retains all the trees on the boundary accept at the main entrance and removes trees growing in the core of the site. The applicant argues that in terms of visual amenity and impacts this is acceptable. In the view of the tree officer the scheme will result in the loss of existing mature trees and green spaces which make the local character of West Heath Road and surrounding areas. Comments have been provided throughout the design stages to the developer for the retention of additional trees.

The arboricultural method statement will ensure the trees retained for this proposal can be protected and retained in good health if strictly adhered to.

The planning application would be accompanied by Woodland Management Plan secured by legal agreement.

Planning officers acknowledged that the removal of a number of trees is likely to be needed in order to redevelop the site in any viable manner. The wider issue is weighed up in the conclusion of the report.

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

## {i 5.1 Daylight and Sunlight}

A Daylight and Sunlight Report by Point 2 Surveyors accompanies the planning application.

This states that {i ‘Overall, the daylight and sunlight effects as a result of the proposed Development are considered acceptable and within the application of the BRE guidelines.’}

Officers have reviewed the document. This comprises assessment of the following:

- Vertical Sky Component (VSC)
- No Sky Line (NSL)
- Annual Probable Sunlight Hours (APSH)
- Average Daylight Factor (ADF)

### *5.1.1 Daylight*

The VSC assessment indicates that 5 windows at 3 Eden Close, 110 & 112 West Heath Road will receive 20-29% less than existing. The Building Research Establishment guidance states that an impact of over 20% is noticeable, though should be noted that this is industry guidance and not Barnet Policy. Subsequent NSL assessment shows that the scheme is fully compliant with BRE guidelines.

### *5.1.2 Sunlight*

The APSH assessment shows that the following rooms within the development would have greater than 20% loss of APSH during Winter:

- 1 room at 3 Eden Close
- 3 rooms at 207 West Heath Road
- 2 rooms at 124 West Heath Road
- 2 rooms at 126 West Heath Road
- 4 rooms at 122 West Heath Road

However, none of these windows would see a reduction in APSH annually.

Officers consider that there may be some loss of amenity to the occupiers at the above neighbouring properties however this will be relatively minor in all instances and the scheme shows general compliance with BRE guidance. This therefore needs to be weighed up within the planning balance when considering other issues.

## *5.2 Visual Impact and Outlook*

In terms of properties to the north at 124 West Heath Road, this property is sited at a lower level than the site property. The proposed development would be lower on this side, reducing to 4 storeys in height. It would be located a significant distance away, at an oblique angle. It is not considered that the proposed development would appear harmfully overbearing especially taking into account the distances involved and screening to be retained.



It is not considered that there would be harmful impact on 112 West Heath Road, located to the front of the site. This impact would be reduced given the considerable distance between the properties and extensive screening.

In terms of the impact on no.3 Eden Close, it is noted that the development is at its closest point to neighbouring boundaries here. However, the development would be a storey lower in height and there is significant screening to the boundary that would be enhanced as part of the proposals.

With respect to no.110 West Heath Road to the rear of the site, the development would be adequate distance from this property to not appear overbearing; again, there is significant screening to the boundary that would be enhanced as part of the proposals.

Overall, whilst the development would be taller in height than the existing buildings on site, the development has been designed in a way to minimise its impact on neighbouring residential properties. Consequently, it is considered that the proposals would have an acceptable impact on the outlook of neighbouring residential properties.

### *5.3 Privacy*

The proposals would generally comply with the 21m distance to neighbouring windows within the Supplementary Planning Document on Residential Design Guidance. The scheme has been designed so that windows are angled away from neighbouring windows on Eden Close and West Heath Road. There would be a distance of at least 21m to the rear windows of 3 Eden Close. Although the scheme would not strictly meet the 10.5m distance to neighbouring gardens (As the distance is approximately 9.5m), there is substantial vegetation screening either side of the boundary with 3 Eden Close. This would be maintained and additional planting would be provided as part of the scheme. Consequently it is not considered harmful overlooking would result.

The middle block would maintain a distance of approximately 12m to the rear boundary of the site and it is not considered that it would cause harmful overlooking.

The southernmost block would maintain distance of 13m to rear boundary with no.110 West Heath Road and approximately 29m between habitable windows which is in excess of the requirements of the SPD.

It is not considered that there would be harmful overlooking to properties to the north (Approximately 20.5m distance at oblique angle to garden) or south on West Heath Road (Approximately 18.5m distance at oblique angle to garden), or those opposite, given the distances between these properties.

It is not considered that the development would result in a harmful loss of privacy to neighbouring or future residents.

#### *5.4 Noise and Disturbance*

The proposals are for redevelopment of the site for use as a 46 person extra care facility.

Given the size of the site; the distance of the buildings from neighbouring boundaries, proximity to Golders Hill Park and nature of the use it is not considered that the proposals would result in harmful noise and disturbance to neighbouring residents.

#### *5.5 Light Pollution*

The proposed development would feature windows on the elevation facing towards neighbouring properties. These windows would be on the rear side facing 3 Eden Close and 110 West Heath Road, would be behind the corner projecting elements. There would also be windows on the north and south side of the building however these would be a significant distance from properties at 112 and 124 West Heath Road.

Given the nature of the use, size of windows and distance to neighbouring properties it is not considered that harmful light pollution to neighbouring residents will occur.

#### 6. Whether the proposals would provide acceptable living accommodation for future residents

The applicant has provided an ADF study in support of the scheme. This demonstrates that all rooms would have adequate access to daylight.

The communal area design demonstrates comfortable environments that can be of a modular nature and provide ample space for those who are mobility impaired. The circulation corridors efficiently connect communal spaces within the structure.

Overall, it is considered that the proposals would provide a good residential environment for future occupiers.

#### 7. Whether the proposals would have acceptable impact on highway and pedestrian safety

##### *7.1 Site and Car Park Access*

It is proposed that the northernmost existing access into the site will be widened to provide a two-way access route in and out of the site. A 5.5m wide vehicle access onto West Heath Road is proposed. Shared access is proposed with a minimum 1.2m wide pedestrian access route clearly identified through the use of paving treatments.

It is proposed that the access will accommodate vehicles up to the size of a fire tender and a 7.5t box van.

Vehicular access to the basement car park located within the Site will be provided via a two-way ramp located in the north-western the building. The ramp will be a minimum of 7m in width and widens at its entrance at ground floor level. The gradient of the ramp ranges between 1:12 and 1:10.

It is proposed that the ambulances and mini-buses can use a dedicated lay-by located close to the main building entrance, providing adequate circulation space to allow other incoming vehicles to pass. The drop off portion of the route will operate as a one-way loop with all vehicles entering from the northern crossover and exiting from the southern crossover.

Any alteration to the existing access affecting public highway will require the applicant to enter into S278 of the Highways Act.

### *7.2 Parking Provision*

The proposal includes a total parking provision of 48 off street parking spaces comprising 2 parking spaces for the staff parking and 2 visitor parking spaces. It is proposed that the 2 visitor's parking spaces would be used by the overnight staff. 44 parking spaces are provided for the residents. Six of the parking spaces are to be accessible parking bays.

Staff parking provision of 2 parking spaces is considered as low provision. However, taking into consideration the following:

- The site located within the walking distance of Town Centre;
- The site in within an 'All day' residential CPZ which would not entitle the staff to with parking permits but the staff will be able to park in the payment parking bays on West Heath Road fronting the site;
- The site is located in a PTAL rating of 3.

On balance, the level of staff parking provision is acceptable on highway grounds.

The site is moderately accessible by public transport and a travel plan will encourage the use of sustainable modes of travel to and from the site for staff and visitors, as well as supporting car free living for residents.

A mobility mini-bus will be available to take groups of residents to and from local services and facilities

The area is subject to a Controlled Parking Zone (CPZ) which limits potential for staff and visitors to park on-street.

The existing vehicular and pedestrian access to the site is will accommodate two-way vehicle and pedestrian movements. The existing site access is not sufficiently wide to accommodate HGV service vehicles. The proposed widening of the site access will ensure that service vehicles can now be accommodated within the site

Considering that there is a residential CPZ in place in West Heath Road in the vicinity of the site, it is unlikely that there will be any detrimental impact as a result of any overspill parking therefore it is considered that an adequate level of parking is provided.

### *7.3 Cycle Parking Provision*

20 cycle parking spaces are provided in accordance with the London Plan parking standards.

### *7.4 Public Transport*

The closest bus stops to the site are located on Finchley Road near the junction with Dunstan Road. Bus stop Dustan Road (A) towards Cricklewood or Swiss Cottage and bus stop Dustan Road (N) towards Golders Green or Finchley are both within 500 metres of the site and can be reached in a five minute walk. The services operating from these bus stops are:

13, 82, 245, 260, 328, 460 and night bus N13.

### *7.5 London Underground Services*

The closest London Underground station in Golders Green, approximately 750m from the site. The station is on the Edgware branch of the Northern line between Hampstead and Brent Cross and lies within Zone 3 of London's Transport network.

### *7.6 Public Transport Accessibility Level (PTAL)*

The Public Transport Accessibility rating for the site is assessed as 3 which is a moderate accessibility.

It is indicated in the Transport Statement (TS) that the operator will assess the feasibility of providing communal transport to residents in the form of a minibus. The use of this bus would provide an opportunity to increase mobility for residents and would reduce reliance on the private car and other modes of transport. The minibus would be stored within the private delivery bay within the site when not in use.

### **{\i 7.7 Trips Generation}**

Mode	AM Peak Hour (08:00-09:00)			PM Peak Hour (17:00-18:00)			Daily Trip Generation		
	I N	OU T	Total Two way Trips	IN	OU T	Total Two way Trips	IN	OU T	Total Two way Trips
Car Driver Existing Use	2	1	3	1	3	4	41	39	80
Car Driver Proposed Use	3	4	7	3	4	7	39	36	75
Net Change	+ 1	+3	+4	+ 2	+1	+3	-2	-3	-5

The table above compares the vehicular trips during the AM and PM peak hours and the daily trips from the proposed development. The trip assessment in the TS indicates that although there is slight increase in AM and PM trips, there will be a net reduction in daily trips from the proposed development in comparison with the trips generated by the existing use on the site.

Therefore the level and characteristics of trips associated with proposed development are not expected to have any detrimental impact on public highway.

Considering the number of staff to be employed is approximately 20 it is unlikely to result in any significant additional trip generation.

### ***7.8 Servicing Trip Generation***

It is proposed that the overall servicing trip generation will be less than seven deliveries per day during weekdays.

With the exception of refuse collection, all other servicing activity and deliveries will be accommodated off-street within the site and will have no impact upon the operation of the highway network.

All servicing activity associated with the general operation of the site will also be managed to ensure that simultaneous deliveries are avoided as far as practicable.

### ***7.9 Refuse***

It is proposed that the refuse will be handled within the site by Facilities Management (FM). On collection days, FM will trolley bins to the collection point, which will be on the north side of the vehicle access, close to West Heath Road for collection by refuse vehicle stationed on West Heath Road.

Waste Management strategy has been submitted with the application.

### *7.10 Construction Management Plan (CMP)*

A construction management plan has been submitted with the application. The proposed development must be constructed in accordance with the CMP and careful consideration must be given to the optimum route(s) for construction traffic to minimise the impact of the development on the public highway network.

### *7.11 Travel Plan*

A travel Plan is proposed as part of the development proposal. A contribution of £5000 will be required toward the monitoring of Travel Plan.

#### Summary of Obligations and Contributions required:

The following contributions and commitments associated with the Travel Plans (TP) are sought under S 106 Agreement.

- Travel Plan - The applicant shall enter into a Travel Plan Statement that seeks to reduce reliance on the use of the private car and to ensure the sustainability of the development. The Travel Plan shall include the following obligations to facilitate modal shift in the choice of transport mode available to staff and residents as follows:-
  - Travel Plan monitoring contribution of £5,000
  - Staff Travel Plan Incentive fund contribution of £150 per staff will be required to be selected from the following:
    - Oyster card with £150 credit uploaded
    - £150 towards membership of a car club with the residual amount as driving credit with the car club
    - £150 bike voucher.

### 8. Whether the proposals would have acceptable impact on stability and hydrogeology

A Basement Impact Assessment (BIA) has been submitted with the proposals. This has independently reviewed by Campbell Reith on behalf of the Local Planning Authority. They have found the document to be acceptable and have suggested conditions be attached to any grant of planning permission.

### 9. Whether the proposals would have acceptable ecological impact

The Extended Phase 1 Habitat Report (EP1) and Bat Reports (WSP| Parsons Brinckerhoff, 2016) which have been submitted with the application have been reviewed by ecological officers on behalf of the LPA.

In order to address the requirements of protected species legislation and the requirements of National Planning Policy Framework (NPPF) in aiming to achieve sustainable development, the following measures will need to be adopted within the development and it may be advisable to secure these as appropriately worded conditions.

To ensure that there are no adverse impacts upon protected species, the neighbouring Hampstead Heath Site of Metropolitan Importance for Nature Conservation (SMINC) and associated Habitats of Principal Importance such as the Lowland Mixed Deciduous Woodland, the recommendations set out in the Preliminary Avoidance and Mitigation Measures sections 6.3.1 of the Extended Phase 1 Habitat Report should be implemented and could form planning obligations or suitably worded conditions. These works should be carried out by, overseen or advised by a suitably experienced ecologist and in strict adherence to the submitted CEMP (WSP| Parsons Brinckerhoff, 2016).

The bat report confirms that bat roosts supporting soprano pipistrelle (maximum seven) and common pipistrelle (maximum five bats is present in the Victorian Villa Buildings (B3). Bats and their roosts are protected by European and UK legislation and the development must demonstrate how it will avoid or mitigate impacts to the bat roosts to ensure all material considerations in relation to protected species are addressed through the suitability of the application.

The bat mitigation strategy put forward within Section 6.2 (onwards) of the bat reports and the details provided in Section 6.3 outline the provisions required to compensate for roosting opportunities presently available at the site. These appear to be appropriate and must be agreed with the applicant, ecologist and architect and confirmed they will be adopted through a Biodiversity Enhancement Plan that must be submitted by the applicant to the LPA to illustrate that these will be incorporated within the development.

It is also advised that the recommendations for lighting (Section 6.3.5) of the Bats Tree Survey Report and Bats Building survey report must be adhered to, so as to minimise disturbance to bats and other nocturnal species and should form part of the mitigation strategy for the site.

As the existing Victorian Villa Buildings (B3) is a confirmed roost for soprano and common pipistrelle a licence must to be obtained from Natural England, for the demolition of this building. A condition should be attached to the application to state that works shall not commence until the LPA has been provided with the licence in relation to Bats issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising that the works can go ahead.

#### 10 Whether the proposals would have acceptable impact on flooding and drainage issues

The site is not located within an area of flood risk, and the site is less than 1 hectare in area. However the site is within a Critical Drainage Area. The Flood Risk Assessment indicates that the site is not at risk of surface water flooding, sewer flooding, reservoir flooding, or flooding from rivers or seas. The redevelopment includes impermeable surface area with the potential to generate run-off. In order to mitigate this the Basement Impact Assessment states that rainwater harvesting will

be undertaken by means of underground tank storage and hydrobrakes, which will limit the offsite discharge.

The lead local flood authority have been consulted on the proposals and have no objection subject to conditions being attached .

The proposals would have an acceptable impact on local drainage and flood risk.

#### 11. Whether the proposals would have acceptable security impact

Planning officers have consulted with the Metropolitan Police Designing Out Crime advisor and no objections were raised.

The Metropolitan police advise that they would expect this development should incorporate all of the Secured by Design requirements detailed with in the Homes 2016 Guide, where at all possible. The proposals would need to comply with Secure by Design requirements and a condition is attached in order to secure this.

The proposals are considered to have an acceptable impact on security in the area and would not result in a harmful loss of security to neighbouring residents or increase to antisocial behaviour.

#### 12. Sustainability Issues

##### *12.1 Energy*

The planning application is accompanied by an Energy Statement, which states that A gas-fired CHP is proposed as the lead heat source for a site-wide heating scheme. The applicant advises that a number of renewable technologies have been appraised in terms of technical, physical and financial feasibility, as potential renewable systems for use on the project. The scheme would incorporate solar Photovoltaic panels and the applicant estimates that a 15kWp array could be installed.

In line with GLA policy requirements, Carbon Dioxide emissions reductions would be approximately 35% below the target emission rate (Part L of Building Regulations 2013). It should be noted that since the submission of the scheme, the Mayor has introduced a standard for Major Residential developments to meet Zero Carbon standard.

##### *12.2 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/would be attached in the event planning permission is granted] to ensure compliance with these Policies.



### *12.3 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).

The proposed development therefore would meet acceptable sustainability and efficiency standards.

### 13. Section 106 Issues

The applicant has agreed to provide a legal agreement in order to provide the following necessary planning obligations

- Woodland Management Plan
- Local Employment Agreement
- Travel Plan
- Travel Plan monitoring contribution
- Staff Travel Plan Incentive fund contribution

These obligations are considered to be appropriate in accordance with NPPF guidance and the CiL Regulations.

In addition, the development would need to make a contribution of £406,525 towards Mayoral CiL and £1,568,025.00 towards Barnet CiL.

## **5.4 Response to Public Consultation**

### *Highways Impacts*

Highways issues are addressed within the main report.

### *Construction Issues*

The applicant has suggested a detailed construction management plan in support of the scheme. Furthermore issues relating to basement construction are addressed within the basement impact assessment. Conditions are suggested to ensure that these are enacted.

Generally speaking noise and disturbance during construction is not reason to withhold planning permission. It is principally dealt with under Environmental Health legislation.

### *Appearance of Development*

The site is adjacent to Golders Hill Park and in a general conservation area, the proposed development will change this quiet spot and bring in road congestion to an area where there is already congestion and limited parking to local residents. – {\i Site is not within a conservation area}

Overall our feeling is that this building should remain as it is, a 3 storeys Victorian house with pitched roof and no windows overlooking our rear elevation. {\i – Given building is not statutory listed or within a conservation area, LPA cannot insist on it's retention}

Our principal concern is that this development application is well crafted but is vastly over density. At the moment we see a building of three floors against a 4/5 floor plus basement which is excessive and pulling nearly 50 flats on site is not good planning.

– *Addressed in main report*

Much is discussed in the Applicants Design and Access statement regarding the form and design of the proposed building, but in the documents, the applicants themselves have provided a 3D image which illustrates perfectly the point that the proposal is simply out of scale with this sensitive, historic neighbourhood. The existing buildings on the site vary in size and scale, and notwithstanding a significant footprint, the small-scale of the individual components are important contributors to the grain of the built form, and typical of the Conservation Area.

Extracted from daylight, sunlight & over shading report by Point surveyors The proposal, however, is, by comparison, a monolithic block, the scale of a hospital, completely out of character with its neighbours, which themselves are not small structures. Proposed development 3D model. Extracted from daylight, sunlight & over shading report by Point surveyors. {\i Addressed in main report}

As stated in the introduction, the grain of the area is made up of small-scale buildings, often linked or closely adjacent one to the other, to produce a varied and interesting organic form of development, brutally ignored in this proposal. The cruciform of the proposal, which is ideal for allowing light into all units, does nothing to break up the form of the proposal to any effect, and each of the "arms" of the cruciform are too large on their own, and the sum of the parts is grossly out of proportion. Opportunities and constraints with proposed scheme overlaid. Extracted from the submitted Design and Access Statement, page 24. {\i Addressed in main report}

The 3D drawing on page 2 and the overlay below shows the sheer bulk of the new proposal, particularly when compared to what was there before. It can be seen that the homogenous form and massing totally overwhelms the houses around it on all sides. – {\i Addressed in main report}

It is perfectly clear from the Applicant own submission, that the easily recognisable pattern of development in this area is on the road edge. Notwithstanding the fact that

the existing buildings on the site are set back, this is no longer the predominant pattern of development, and this has been ignored, in our view, indicating a general failure to understand the context. Google Maps extract with West Heath Road street alignment. {\i Addressed in main report}

### *Amenity Issues*

We are concerned that the newly erected construction will be higher than current therefore we no longer have privacy as we had over so many years. The building will come very close to our fence and windows my overlook to over garden. There is a road also leading to both the properties which we share. The proposed construction will bring more traffic to the road in question therefore we need to know how planners will deal this or the plan entails only one access to the property via current main entrance. {\i Addressed in main report}

No drawing was provided as part of the application to show clearly the comparison between the existing buildings on site and the proposed buildings. {\i This is not considered necessary in order to assess the proposals. Addressed in main report}

This will be the new outlook from my clients' properties if the scheme is built as currently proposed, and this will be just 21meters from his house windows - that is half the width of a football pitch. {\i Addressed in main report}

It is well known that the elderly do not sleep quite as long as younger people, and it is very likely therefore that there will be lights on the upper stories during normal sleeping hours. {\i Addressed in main report}

There are 64 windows proposed on the elevation facing my clients' houses, as well as the fully glazed penthouse floor. Light from all these windows will shine straight into the windows of the first floor bedrooms at 1 and 2 Eden Close. These two houses are already badly affected by the lights from the new school on the corner of Eden Close and West Heath Road. If the building was lower, this would be less of a problem. {\i Addressed in main report}

Officers have considered the points raised by the Corporation of London and consider that they are generally addressed in the report to committee. It should be noted that the applicant has provided a detailed townscape assessment including verified views and this illustrates that the views from the park would be limited. Furthermore the proposed building is considered to be of high quality design and is in keeping within the area. Highways and tree issues are dealt with within the 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 proposed development would provide extra care housing for which there is known need within the borough. This will provide accommodation for those in need of care.

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**

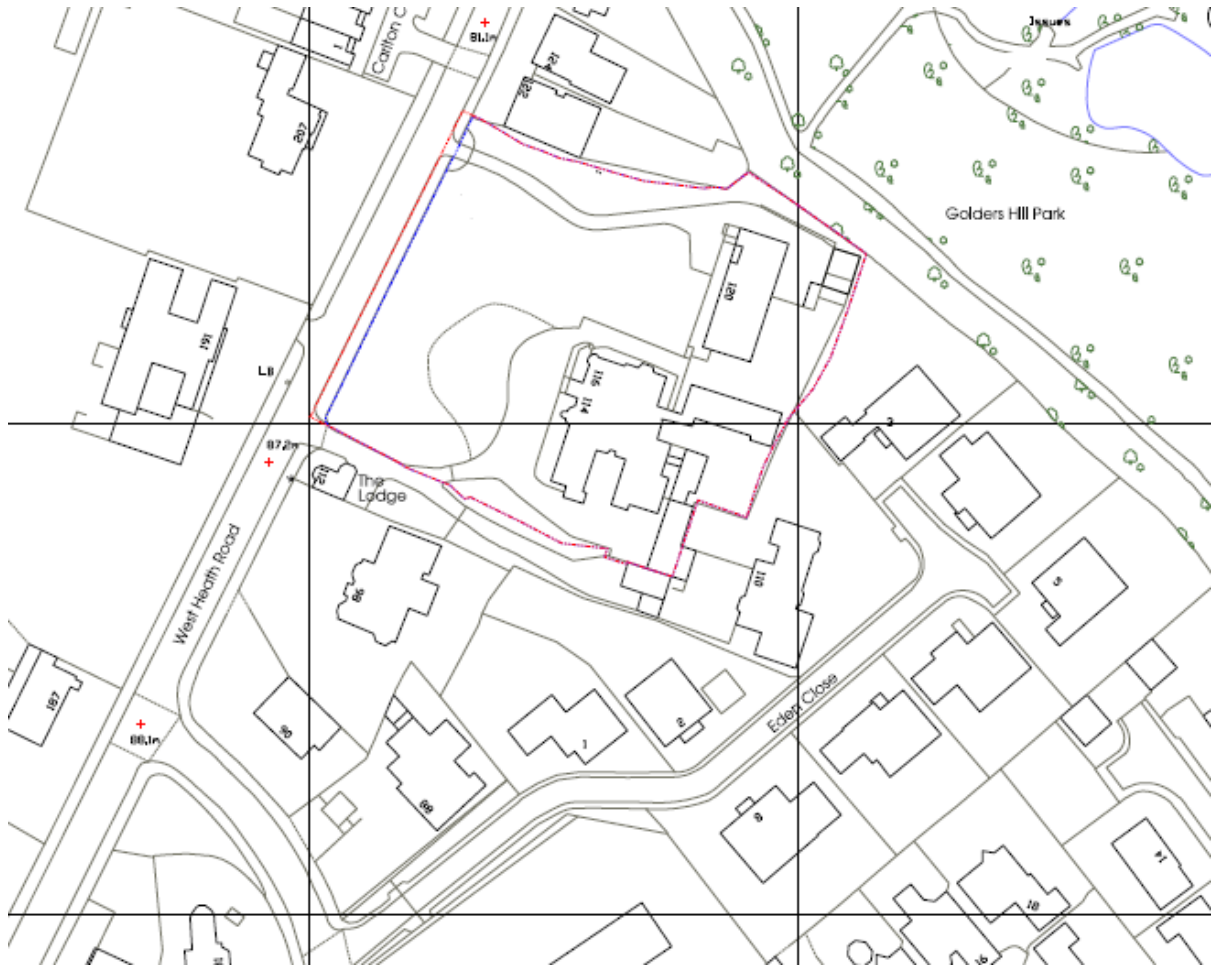
The proposals would create additional extra care units to meet an identified need within the borough and these needs to be given significant weight in any decision.

The design of the scheme is generally considered to be of high quality and will result in development that although larger than the existing buildings on site will contribute well to local character. Furthermore this outweighs any concern regarding the loss of the Non-Designated Heritage Asset.

The proposals will result in the loss of trees of special amenity value. The applicant has tried to mitigate this and take into account tree officers comments however there will still be an impact. This weighs against the scheme and officers give this moderate weight.

It is also considered that there may be some overshadowing and loss of light to neighbouring occupiers but this will be minor in nature.

Overall, weighing the issues up it is considered that the benefits of the scheme are significant enough to outweigh the harm caused. The proposals are therefore recommended for approval.



This page is intentionally left blank

**Location**                      **White Lodge The Vale London NW11 8ST**

**Reference:**                    **16/8017/FUL**

Received: 16th December 2016

**AGENDA ITEM 8**

Accepted: 16th December 2016

Ward:                              Childs Hill

Expiry 10th February 2017

Applicant:                      Mr Nitzan Atzmon

Proposal:

Four-storey front extension to include lift and entrance lobby to all floors. New crown roof including 4no dormer windows and 2no rooflights to elevation facing Hodford Road, 5no dormer windows to elevation facing The Vale, 1no dormer window to elevation facing Road Junction to facilitate the creation of 2no self-contained flats. Extension to refuse area at lower ground floor level, new cycle, provision of new amenity space, hard and soft landscaping and parking

**Recommendation:** Approve subject to conditions

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

PL - 301, PL - 302 (Rev A), PL - 303, PL - 304, PL - 305, PL - 306, PL - 307, PL - 308, PL - 309, PL - 310, PL - 311, PL - 312, PL - 313, PL - 314, PL - 315 (Rev B), PL - 316 (Rev A), PL - 317 (Rev A), PL - 318 (Rev A), PL - 319 (Rev A), PL - 320 (Rev A), PL - 321 (Rev A), PL - 322 (Rev A), PL - 323, PL - 324 (Rev A), PL - 325

3D Visualisation (Hodford Road), 3D Visualisation (The Vale)

Daylight and Sunlight Assessment (received 16/12/16), Design and Access Statement Rev A (received 29/12/16), Planning Statement Rev A (received 29/12/16), Sustainability Checklist (received 16/12/16).

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

- 2 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) 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.

- 5 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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.

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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 6 Before the development hereby permitted is first occupied, the details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers shall be provided in accordance with Drawing Nos. PL - 311, PL - 312 and PL - 313 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 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. PL - 311 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.

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

- 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 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 11 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.

#### **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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £7,648.55 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 £29,501.55 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or 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](http://legislation.gov.uk)

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

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

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

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

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

- 4 In case if a new crossover access is required or any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Development Regulatory Services. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from DRS, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, DRS, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

The applicant is advised that any consequential damage to public highway as a result of the construction of the new proposed development will be reinstated under S130 of the Highways Act at the applicant's expense. The applicant is advised to carryout photographic survey of the public highway before commencing any development work in the vicinity of the development.

## **Officer's Assessment**

### **1. Site Description**

The application site contains a block of residential flats within a corner plot adjacent to both Hodford Road and The Vale. The existing building is three storeys at the corner, rising to four storeys as a result of the downward gradient.

The building is of brick construction and is typical for flatted development of its era (circa 1969); with uniformity in the rhythm/design of fenestrations and articulation via protruding balconies facing Hodford Road.

The existing property is not locally or nationally listed nor located within a designated conservation area. There are no protected trees or on adjacent to the application site.

### **2. Site History**

Reference: 16/1235/FUL

Address: White Lodge, The Vale, Childs Hill, London, NW11 8ST

Decision: Refused

Decision Date: 30.06.2016

Proposal: Formation of additional storey to provide 2no self-contained flats at third floor level. Four storey front extension to provide new lift and lobby area to all habitable floors. Associated alterations to amenity space and refuse storage, provision of 2no new parking spaces and associated access to The Vale, new cycle storage

Appeal Reference: APP/N5090/W/3154978

Decision: Dismissed

Decision Date: 17.11.2016

### **3. Proposal**

The application seeks consent for the formation of an additional storey to provide 2no self-contained flats at fourth floor level, consisting of a new crown roof with 10 dormer windows, four storey front extension to provide new lift and lobby to all floors, associated alterations to refuse area on ground floor and provision of new amenity space, hard and soft landscaping and parking.

### **4. Public Consultation**

Consultation letters were sent to 81 neighbouring properties.

32 responses have been received, comprising 12 letters of objection and 20 letters of support overall. There were 4 duplicate letters of support received from the same households which gives 16 letters of support.

The objections received can be summarised as follows:

- Overdevelopment of the site;
- Inappropriate design - incongruous, bulky and top heavy;
- Excessive height which is not in keeping with surrounding area;
- Additional storey will be overbearing of surrounding properties;
- Location and design of lift and lobby is inappropriate;

- Additional parking strain;
- Loss of amenity space of existing building;
- Loss of daylight/sunlight;
- Loss of privacy and overlooking;
- Loss of outlook;
- Overshadowing;
- Disruption caused to existing residents;
- Noise disturbance caused by increase in building capacity; and
- Strain of existing infrastructure.

The letters of support received can be summarised as follows:

- In keeping with the surrounding architecture, with a tiled roof and brick facia;
- Create a landmark building;
- Vast improvement on the existing building and enhances the attractiveness of White Lodge;
- Proposal addresses previous comments and concerns;
- Enhance surrounding area;
- Lift will improve accessibility for residents;
- Enhance living conditions of residents; and
- Provides more attractive landscaping.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, 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 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:

- Previous application and appeal decisions;
- 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;
- Provision of adequate accommodation for future occupiers; and
- Highways safety and parking provision.

### **5.3 Assessment of proposals**

#### Impact upon the character and appearance of the existing building, the street and wider locality

The previous application for an additional storey was refused by the Council due to "The proposed additional storey to the existing development would by reason of its size, bulk, mass and visual prominence be harmful to the character and appearance of the streetscene..."

At appeal, the planning inspector agreed that the impact on the character and appearance of the surrounding area was the determining factor and dismissed the appeal on the basis of the proposed development having an unacceptable harmful effect on the surrounding area. The key issues from the appeal decision were:

- New upper storey would be slightly recessed at a number of points, resulting in a stepped appearance which would be at odds with the prevailing character of the surrounding properties;
- A new balcony in the north-east corner would give greater prominence to the structure at the junction;
- Glass balconies would allow accumulation of domestic paraphernalia on the balconies to be more obvious, and the resultant visual clutter would detract from the appearance of the building; and
- The proposal would be clearly more visible in this exposed location. The additional storey would give a disproportionate bulk to the upper level of the existing building, making it appear overly dominant in relation to the more modest scale of the buildings in the vicinity.

The consideration is whether the revised proposal successfully addresses the previous reasons for refusal and the issues raised by the planning inspector.

The obvious amendment is the proposed design of the roof which is lowered by 400mm and is pitched to reflect the more traditional appearance of the surrounding buildings. The Planning Authority considers that this is a much more appropriate additional compared to the vertical and recessed elements of the previous scheme. A pitched roof is not considered to be at odds with the prevailing character of the surrounding area. The first point of the inspector's concerns is considered to be addressed.

In order to address the previous balcony issues, the development will not propose any new balconies and the existing balconies will remain solid. Therefore there will be no significant material difference to the existing building and the inspector's second and third points can be successfully addressed.

The remaining issue is whether the proposed additional storey would be proportionate and not overly dominant in relation to the existing building. In addition to the submitted plans, the applicant has again submitted photomontages from Hodford Road and The Vale to provide some visual indication as to how the proposed development would appear from the surrounding area. The Planning Authority is of the opinion that a pitched roof with the ridge set back from the façade, does not appear disproportionate or over dominant

compared to the existing building. When comparing the proposed scheme with the refused elevations and photomontages, the Planning Authority considers that there is an improved visual appearance. The roof would incorporate dormer windows which have been inset into the roof so as to not add additional bulk to the roof.

Overall, officers acknowledge that an additional storey will have an increased visual impact but it is considered to improve the overall design and appearance of the existing building. A pitched roof is considered more appropriate and respectful in relation to the existing building and surrounding area and successfully overcomes the concerns of the planning inspector and reasons for refusal.

It is also proposed to construct a new four storey extension to the north elevation facing The Vale to provide a lobby area and lift to serve all floors. This is a modest extension and is considered to be an acceptable addition to the existing building. The inspector did not find any issues in relation to this element of the previous scheme. The lift will help provide greater accessibility to the flats on all floors.

An extended refuse store and new cycle store would be provided within the existing lower ground floor. Given that this element is a small increase it is considered to be acceptable. Further works include adding a low perimeter wall with hedging and landscaping behind and making two distinct private shared garden areas for the benefit of all residents. A new entrance pathway will be created and the car park area will be re-surfaced. There are no objections to this subject to details which are required through condition.

As part of the development, it is proposed to provide two additional parking spaces on The Vale frontage with a new crossover constructed. There is no objection to this element of the proposals as it is not considered to result in a detrimental impact on the character and appearance of the surrounding area.

#### Impacts upon the amenities of neighbouring residents

A second reason for refusal of the previous application was that it was considered that "The proposed additional storey to the existing development would by reason of its size, bulk, design and visual prominence be overbearing and result in a loss of outlook and privacy, detrimental to the residential amenities of the occupiers of 87 Hodford Road." This was also considered by the planning inspector who after review concluded that impact of the proposed development would not unacceptably or unduly harm the amenity of no. 87 Hodford Road in terms of loss of outlook or overlooking.

As stated by the inspector, the main aspects of no.87 face east to west. The proposed pitched roof would not have any greater impact on this property compared to the previous scheme. The inspector commented that "whilst the additional height of the extension would be perceived from the front and rear gardens of No 87, it would be peripheral to the outlook from these areas, and so the visual impact of the extension would not be unacceptably harmful."

There are no new balconies being proposed and so the proposed development would result in any new overlooking opportunities.

A daylight/sunlight report has been submitted to accompany the application. The BRE recommends that windows should have a VSC not less than 27% or 80% of former value. Any reduction in daylight to windows in 87 Hodford Road are noted to be within the recommendations of the BRE Guide. Taking into account the layout/orientation of the

buildings and the location of windows, in conjunction with the submitted the daylight/sunlight report, officers consider that there would be no significant impact on neighbouring amenity through loss of light.

The properties to the north along The Vale and to the south-east along Hodford Road are considered to be located at a sufficient distance so as not to suffer any detrimental impact.

#### Living conditions for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. The proposal would provide:

- Flat 10 (4th Floor) - 2 bedroom / 3 person unit - 88.4 sq.m
- Flat 11 (4th Floor) - 3 bedroom / 5 person unit - 103 sq.m

The proposed units would well exceed the minimum space standards as set out by the London Plan / the Council's Sustainable Design and Construction SPD (2016). The proposed units would have dual aspect outlooks and are considered to have adequate levels of amenity for future occupiers.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m<sup>2</sup> should be provide per habitable room for flats. It is noted that the ground level garden areas are to be improved and enhanced for all residents within the building. While the Planning Authority would expect new flats to have individual private amenity areas provided in the form of balconies/ outside space, the fact that the proposed units would provide larger floorspace over and above the minimum standards, officers consider that this on balance with the proximity of the site to Childs Hill Park, would help mitigate for the lack of private amenity space.

#### Highways safety and parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 2 and 3 bedroom units                    1.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

1x2b a range of 1.0 to 1.5                    1.0 to 1.5 spaces required  
1x3b a range of 1.0 to 1.5                    1.0 to 1.5 spaces required

This equates to a parking provision range of between 2.0 and 3.0 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 6a which is considered to be a

very good level of accessibility. The proposal provides two additional spaces which is considered to meet the requirements of Policy DM17.

#### **5.4 Response to Public Consultation**

Issues relating to the principle and design of the additional storey have been addressed in the above appraisal.

Issues relating to the potential impact on residential amenity of neighbouring residents have been addressed in the above appraisal.

Issue relating to parking provision have been addressed in the above appraisal.

#### **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.



This page is intentionally left blank

**Location**                    **39 Woodstock Road London NW11 8ES**

**Reference:**                **16/6250/FUL**

Received: 26th September 2016

Accepted: 30th September 2016

Ward:                        Childs Hill

Expiry 25th November 2016

Applicant:                Mr CHARLES LOSSOS

Proposal:                Conversion of single family dwelling into 4no self-contained flats.  
Associated landscaping and provision of 1no parking space, cycle storage and refuse and recycling store

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

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

Location Plan

WR15-101PP (Existing Plans)

WR15-102PP (Proposed Plans)

WR15-103PP (Proposed Elevations)

WR15-201PP (Proposed Plans)

WR15-202PP (Proposed Plans)

WR15-203PP (Proposed Elevations)

WR15-204PP Rev.B (Proposed Section & General Site Arrangement)

Proposed parking spaces (received 17.01.17)

Parking Survey Report (dated January 2017)

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

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

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

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

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

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

- 4 Before development hereby permitted is occupied, parking spaces and the access to the parking space from public highway shall be provided. Thereafter, the parking space shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 5 The development hereby approved shall not be occupied until a means of access for vehicles has been constructed in accordance with the approved plans.

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

- 6 Prior to occupation the approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. 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 Before the permitted development is occupied the refuse collection arrangements shall be in place in accordance with the approved planning application.

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

- 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.

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

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

#### **Informative(s):**

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq. m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £0 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 £0 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or 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](http://legislation.gov.uk)

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

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

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

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

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

- 4 In case if a new crossover access is required or any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Development Regulatory Services. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from DRS, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, DRS, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

The applicant is advised that any consequential damage to public highway as a result of the construction of the new proposed development will be reinstated under S130 of the Highways Act at the applicant's expense. The applicant is advised to

carryout photographic survey of the public highway before commencing any development work in the vicinity of the development.

## **Officer's Assessment**

### **1. Site Description**

The application relates to a two-storey, semi-detached dwellinghouse, located on the south-western side of Woodstock Road, within the ward of Childs Hill.

The site is located within a residential area of predominately semi-detached properties, consisting of a variety of single family dwellings, purpose built flats, and flat conversions. The site is not located within a conservation area.

### **2. Site History**

Reference: 16/1416/HSE  
Address: 39 Woodstock Road, London, NW11 8ES  
Decision: Approved subject to conditions  
Decision Date: 24 May 2016  
Description: First floor rear extension

Reference: 15/01882/191  
Address: 39 Woodstock Road, London, NW11 8ES  
Decision: Lawful  
Decision Date: 27 March 2015  
Description: Use as 1 no. single family dwelling house

Reference: 15/06220/PNH  
Address: 39 Woodstock Road, London, NW11 8ES  
Decision: Prior Approval Required and Refused  
Decision Date: 18 November 2015  
Description: Single storey rear extension with a proposed maximum depth of 6 metres measured from the original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/06526/192  
Address: 39 Woodstock Road, London, NW11 8ES  
Decision: Lawful  
Decision Date: 19 November 2015  
Description: Roof extension involving rear dormer windows and hip to gable

Reference: 15/07744/PNH  
Address: 39 Woodstock Road, London, NW11 8ES  
Decision: Prior Approval Not Required  
Decision Date: 19 January 2016  
Description: Single storey rear extension with a proposed maximum depth of 5.67 metre from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: C16407B/06  
Address: 39 Woodstock Road, London, NW11 8ES  
Decision: Approved subject to conditions  
Decision Date: 4 May 2006  
Description: Enlargement of existing two rear dormer windows.

Reference: C16407A/05

Address: 39 Woodstock Road, London, NW11 8ES

Decision: Refused

Decision Date: 20 January 2006

Description: New vehicular access and hardstanding. New dormer window to front elevation. Enlargement of existing two rear dormer windows.

Reference: C16407/05

Address: 39 Woodstock Road, London, NW11 8ES

Decision: Lawful

Decision Date: 25 November 2005

Description: Retention of property as 2 self-contained flats.

### **3. Proposal**

The application seeks consent to convert the existing family dwelling into 4no. self-contained flats with the associated provision of 1no. off-street parking, landscaping, cycle storage, refuse and recycling store.

Amendments have been received to illustrate the proposed sub-division of private amenity space and the re-arrangement of the proposed off-street parking space at the front of the property.

### **4. Public Consultation**

Consultation letters were sent to 80 neighbouring properties.  
9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- Loss of family dwelling;
- Overprovision of flats in this area;
- Overdevelopment;
- Impact on character;
- Overcrowding
- Alter the conservation area;
- Works have already been carried out.
- Overlooking
- Lack of parking provision
- Lack of public infrastructure to support further development
- Increased pressure on water provision
- Noise and disturbance caused by construction works
- Hours of operation for construction works

### **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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Barnet's approach to conversions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of both new and existing units enjoy a high standard of amenity. Whether or not a conversion is acceptable in principle will depend on the character of both the house and the street.
- The conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

- Conversions generate extra movement of people and vehicles and the alterations required to accommodate such a use can impact upon the character and appearance of a locality. Conversion proposals are therefore likely to be resisted in areas of low density housing where predominantly there are single family occupation houses and where the external alterations would impact on the appearance of the local area (e.g. hardstanding for a parking space and refuse storage 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:

- Principle of development for the conversion of flats;
- 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 acceptable provision of accommodation is provided for future occupiers; and
- Highways safety and parking provision.

## 5.3 Assessment of proposals

### Principle of development

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

From conducting a site visit and reviewing the planning history and council tax records, it is evident that along Woodstock Road, there are a large number of flatted properties. While the proposal would result in the loss of a single family dwelling, the presence of a large number of existing flats within the street would mean that the proposal is unlikely to have a significant impact in terms of the character of the street. It is also worth noting that the property previously consisted of 2no flats before it was converted back into a single family dwelling. The principle of development for the conversion of dwelling into flats is considered to be appropriate subject to all other relevant matters being successfully addressed.

### Impact on character and appearance of existing property and surrounding area

In addition, Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The application is only seeking consent for the conversion of the property and there are no external alterations proposed. A number of objections submitted have raised that there are works already being carried out on site. However, the property does benefit from a number of approved consents and prior notifications for ground, first and roof extensions. The works being carried out on site are related to these applications. This application is only



seeking consent for the conversion of the property, there are no new extensions being proposed.

To the front of the property, it is proposed to provide an off-street parking space which is a common feature of many of the many properties within this street. Therefore with no external changes proposed, the proposal is not considered to result in harm to the character and appearance of the existing building, the street scene or the surrounding area.

#### Impact on amenity of neighbouring residential occupiers

With regard to the impact of the proposed development on the living conditions of neighbouring residents, it is noted again that there are no external changes to the existing building and the proposed extensions and window arrangements have already been approved and are not subject to consideration within this application. As such the proposal is not considered to result in detrimental harm in terms of overlooking of neighbouring occupiers.

The main potential impact is whether the intensification of the site for the use of 4no flats would cause undue noise and disturbance issues to neighbouring residents. It is noted that the adjoining no.41 is a flatted properties with 3 units, while no.37 on the opposite side is a single family dwelling. There are a number of other flatted properties within the street consisting of 3 units per building and there are also a number of larger purpose built flatted developments within the street which are considered to be of a greater intensification than the proposed development. While the proposal seeks 4no units within the property, officers consider that the proposal is still consistent with the intensity of residential flats currently established on the street. In addition there will not be a further intensification of off-street car parking. In light of the above, officers consider that the proposed development would not result in harm to the living conditions or amenities of neighbouring residents.

#### Whether the building would provide suitable living conditions for future occupants

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. The proposal would provide:

Ground Floor - 1 x 2 bedroom unit (105 sq.m)

First Floor - 1 x 2 bedroom unit (84.90 sq.m)

Second Floor - 1 x 1 bedroom unit (50 sq.m)

Third Floor - 1 x 1 bedroom unit (39.4 sq.m)

The proposed units would exceed the minimum space standards as contained within the London Plan. Each of the units would be dual aspect with the exception of the studio unit on the third floor. However, given the size of the unit, officers are satisfied that it will still be able to receive an adequate level of outlook and daylight/sunlight levels, as will the other units.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m<sup>2</sup> should be provide per habitable room for flats. There is a large garden area to the rear of the property which is proposed to be subdivided in order to provide each flat with a private amenity area. Each of the areas proposed would

exceed the above requirements and would be separated with a 1.8 - 2.0m timber fence to provide privacy to each garden.

#### Highways safety and parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	0.0 to 1.0 space per unit
For 2 and 3 bedroom units	1.5 to 1.0 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

2x1b	a range of 0.0 to 1.5	0.00 to 2.0 spaces required
2x2b	a range of 1.0 to 1.5	2.0 to 3.0 spaces required

This equates to a range of parking provision of between 2 to 5 parking spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 6a which is considered to be a very good level of accessibility and so it would be expected that provision towards the lower end of the range. As the proposal seeks to provide 1 parking space, overall, there would be a shortfall of 1 parking space.

At present the existing 4+ bedroom house has no parking provision and the proposal is to convert the building to facilitate 2x1 bedroom units and 2x2 bedrooms units with one off-street parking space.

The applicant has submitted a parking beat survey which indicate a parking stress of 80% on roads in the vicinity of the development. The Council's Traffic and Development service has assessed the proposal and submitted survey and have commented that "considering that the existing 4+ bedroom residential dwelling which does not have any parking provision currently, would have required parking provision of 2 parking spaces and the parking requirement for the proposed development is assessed as parking of 2 parking spaces, on balance the development proposal with a provision of 1 parking space would be acceptable on highways grounds. The provision of 1 additional space is considered to be an improvement on the existing site conditions. The proposed parking space would have a depth of 4.8m measured to the edge of the pavement and therefore is considered an acceptable parking space.

#### **5.4 Response to Public Consultation**

The issues regarding the principle of flats, impact on character and residential amenity have been addressed in the sections above.

The provision of public infrastructure is addressed through the Community Infrastructure Levy (CIL).

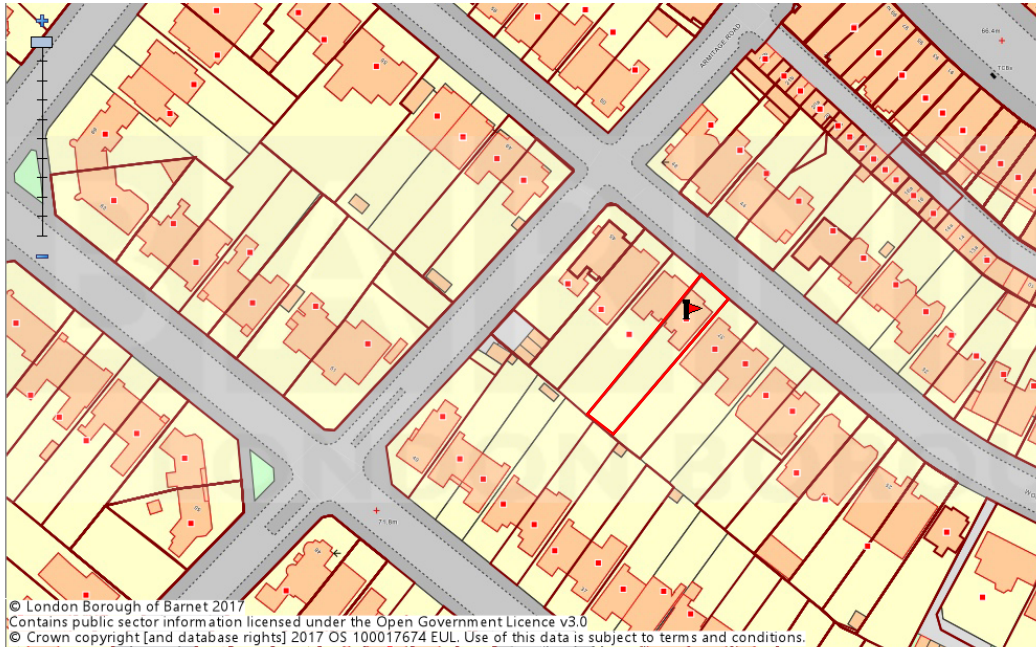
Officers can control the hours of construction works through the attachment of conditions, however site issues such as noise, dust etc. is dealt through the Environmental Health Legislation.

## **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 not have an unacceptable 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 8B Accommodation Road London NW11 8ED**  
**Reference: 16/5860/FUL** Received: 8th September 2016  
Accepted: 29th September 2016

AGENDA ITEM 10

Ward: Childs Hill Expiry 24th November 2016  
Applicant: Mr Majid

Proposal: Retention of 2no. rooflights located at rear of property and additional 2no. proposed rooflights to the front

**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 number:

815/AR/01(REV A) and 815/AR/02 (REV A) (received 16/12/2016)

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

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

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

3 Notwithstanding the details shown on the hereby approved drawings, the PROPOSED rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof. The rooflights shall be obscure glazed and fitted with a restricted stay of no more than 100mm.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

4 The units hereby granted permission shall be removed, within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:-

i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fitted with a 100mm restricted stay to the satisfaction of the Local Planning Authority.

ii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

Reason: To ensure that there is not overlooking to neighbouring residents.

**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 located on the southern side of Accommodation road, within Golders Green Town Centre conservation area.

The property is located on Accommodation road which is an access/service road. The application site is A1 office use. Accommodation Road currently consists of a row of terraced offices and some residential buildings.

The rear rooflights are already in place and this follows investigation by the enforcement team. Rooflight are a common feature on this stretch of road to the front and rear of the building.

This building is not statutory listed or not locally listed.

### **2. Site History**

Reference: C02199H

Address: 8B Accommodation Road London NW11

Decision: AC - Approved subject to conditions

Decision Date: 10 May 1999

Description: Change of use of building from educational to office purposes to Class B1 - financial and professional services (accountancy offices).

No.7 Accommodation Road

F/03540/12 - Retention of roof extension as built (variation of approved application Ref: F/01580/10 dated: 22/06/2010) Variation to include: reduction in rear rooflights and parapet alterations to facilitate construction. - Approved - 05.12.2012 - Appeal against condition requiring rooflights to be fixed shut with fanlight opening dismissed.

### **3. Proposal**

The application seeks approval to retain 2 Velux rooflights located at rear of building and additional 2 new proposed Velux rooflights to the front.

The rooflights will measure 0.47m width and 0.9m in height.

The existing rooflights to the rear are located 1.75m to the frame above floor level.

No change of use is proposed

### **4. Public Consultation**

Consultation letters were sent to 155 neighbouring properties.

12 responses were received during the public consultation period.

- Overdevelopment

- Change of character
- Overlooking
- set precedent
- Pressure on environment, water, cleaning and waste collection
- Additional residential
- blocked light
- Wall boundary
- Children being possibly watched
- Loss of privacy
- Illegally built
- Contrary to policy

Site and Press Notices advertising the proposals were put up on 04.10.2016.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits."

#### **The Mayor's London Plan 2015**

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

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.

- 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.

- Golders Green Conservation Area Character Appraisal Statement

## **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 Golders Green Conservation area of which it forms a part;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

1. Whether harm would be caused to the character and appearance of the existing building, the street scene and the conservation area.

The Golders Green Town Centre Conservation area appraisal states

*"The urban character of Finchley Road and the crossroads contrasts dramatically with the*



*quieter, intimate feel of the rear service roads, Accommodation Road and Golders Way."*

While it is accepted the building is not residential, it is still considered the residential design guidance can provide guidance on potential issues. The Residential design guidance 2016 states:

"Roof lights should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building, particularly where they are not a characteristic feature in the street. On front roof slopes roof lights should be of the "conservation type" i.e. fitting flush with the roof slope and they should not dominate the roof in terms of their number. It is preferable to position them on rear roof slopes."

The existing and proposed rooflights do not significantly change the character of the existing building as there are already glass roof panels which exist on the host building and the building to both sides of the host property and rooflights are a common feature in the rear elevation of Accommodation Road. As such the introduction of further rooflights is not considered to be out of character.

Due to the position the proposed rooflights are not immediately visible on street level.

Policy DM06 requires development proposal to preserve or enhance the character and appearance of conservation areas. In this instance it is considered the rooflights preserve the conservation area.

Subsequent to the above, it is not considered the proposed and existing windows will result in any unacceptable impact on the character and appearance of the existing building when viewed from outside of the subject land.

The proposals involve the insertion of rooflights to the front of the property and retention of those on the rear roof. The roof has an existing glazed structure that appears to be lawful as it has been present for considerable period of time. Although the rooflights are not conservation area style rooflights, the visual impact is considered to be limited and preserves the character and appearance of the conservation area taking this into consideration. It is not considered that they harm the significance of the conservation area as a designated heritage asset.

The proposed development is not considered to result in significant detriment of the character and appearance of the existing building, the street scene or the Conservation area.

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

The rear roof of Accommodation Road forms part of the rear garden wall of the residential properties on Woodstock Road.

As a guide (although not strictly applicable to office uses), The Town and Country Planning (General Permitted Development) (England) Order 2015 states rooflights

should be: *"non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed"*  
The existing rooflights measure 1.75metres from the floor level to the frame and the proposed rooflights to the front propose 1.8 metres above the floor level.

It is recognised that an application for removal of condition restricting the opening of rooflights at no.7 Accommodation Road was refused. This also related to works to extend the roof of this property. A condition was attached to ensure windows were not openable other than a fanlight opening and the inspector dismissed an appeal removing this condition.

In the appeal decision at no.7 the inspector noted that *'The second floor offices are within the roof and the rooflights are at a height where they could afford views into the houses and gardens of properties to the rear from workers sitting or standing in the room.'*

However after officers visited the site, it is clear to see the windows at 7 Accommodation Road are at significant lower height than the site. At the site property the windows are at a higher level above the 1.7m from floor level generally considered adequate to prevent overlooking. However a condition requiring the obscure glazing of the rooflights has been attached taking into account the inspector's comments at no.7 and the fact there is considered be potential for perception of overlooking to arise given the relationship between the rooflights and neighbouring gardens.

It is therefore considered that the proposals would not result to the living conditions of neighbouring occupiers.

#### **5.4 Response to Public Consultation**

- Overdevelopment - *The addition of rooflights would add minimal built development to the site*
- Change of character - *The impact on the character and appearance of the conservation area would be minimal*
- Overlooking - *The height is above what is stipulated to be reasonable*
- set precedent *All planning applications are addressed on their own merits*
- Pressure on environment, water, cleaning and waste collection *The proposed rooflights are unlikely to cause any additional impacts on local infrastructure*
- Additional residential - *The proposals seek to retain office use*
- blocked light *The rooflights would have negligible impact on the bulk of the building*
- Wall boundary - *Boundary issues are not planning matters*
- Children being possibly watched - *Conditions are suggested to prevent harmful Overlooking*
- Loss of privacy - *Conditions are suggested to prevent harmful overlooking*
- Illegally built *All planning applications are addressed on their own merits. The fact the works are partly retrospective does not mean they must be refused.*

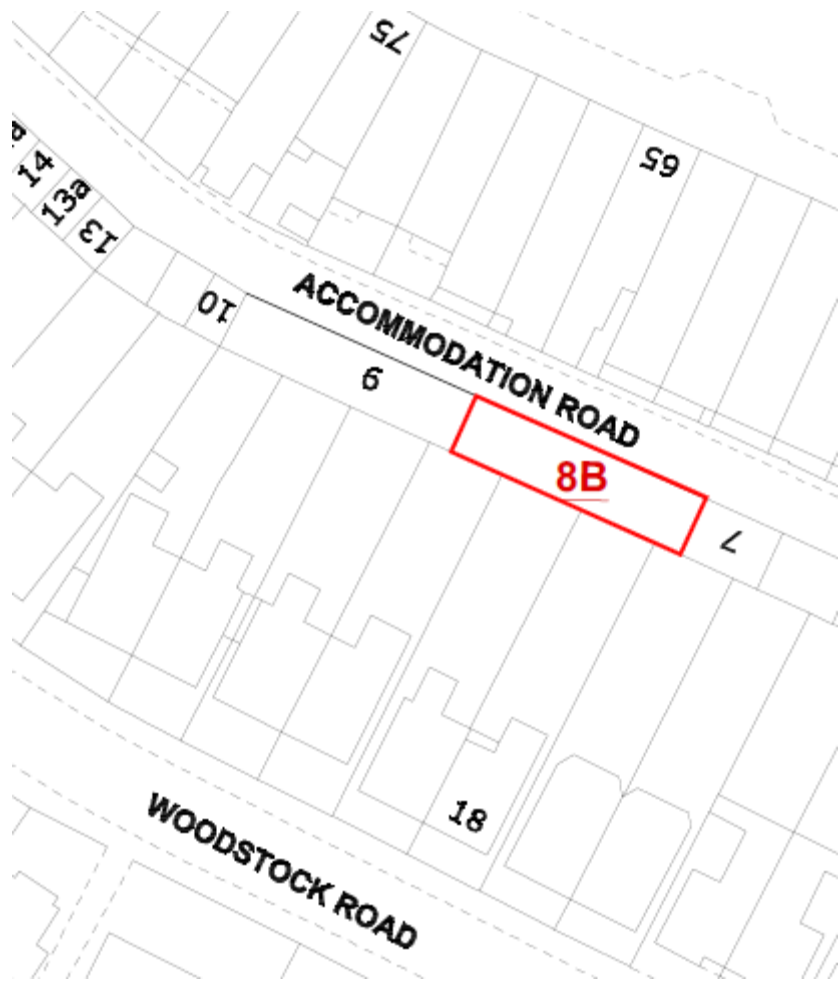
#### **6. Equality and Diversity Issues**

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 Conservation Area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. The application is therefore recommended for approval.



**Location**                    **1069 Finchley Road London NW11 0PU**

**Reference:**                **16/7565/FUL**

Received: 29th November 2016

Accepted: 29th November 2016

Ward:                        Golders Green

Expiry 24th January 2017

Applicant:                Ms MOIRA McHARRIE

Proposal:                    Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

AGENDA ITEM 11

**Recommendation: That upon completion of the agreement specified in Recommendation 1, the Interim Head of Development Management approve planning application reference 16/7565/FUL subject to the following conditions and any changes to the wording of the conditions considered necessary by the Interim Head of Development Management.**

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.     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 of seeking to secure the following:

(a)     Legal Professional Costs Recovery  
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b)     Enforceability  
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

(c)     Amendment to Local Traffic Order

A contribution of £2,000 (index linked) to cover the costs of making an amendment to the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

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: Planning Statement Ref CA/2955 By Apcar Smith Planning; Planning Noise Assessment Facade Sound Insulation by Environmental Equipment Corporation Ltd Ref SDV/EC14746-004; Technical memorandum ref EC14746-005 Rev 1 by Environmental Equipment Corporation Ltd; Sustainability Summary dated 15th June 2016 by Darren Evans; Transport Statement Ref 9214/KS/002/02 by Sanderson Associates; Drawing no. 000 Rev A; Drawing no. 011 Rev A; Drawing no. 012 Rev A; Drawing no. 013 Rev A; Drawing no. 014 Rev A; Drawing no. 015 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 237 Rev 0; Drawing no. 238 Rev 0; Drawing no. 213 Rev B; Drawing no. 214 Rev D; Drawing no. 215 Rev D; Drawing no. 216 Rev E; Drawing no. 217 Rev E; Drawing no. 231 Rev C; Drawing no. 233 Rev E; Drawing no. 234 Rev D; Drawing no. 235 Rev E; Drawing no. 236 Rev D.

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 including demolition works shall take place until details of the retention of front façade hereby approved have been submitted to and approved in writing by the Local Planning Authority. This shall include details of mitigation measures to prevent damage to the front facade.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the front facade retained at all times.

Reason: To safeguard the character and visual amenities of the front 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 2016.

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. This shall include details of the proposed brise soleil and solid spandrel panels labelled on the hereby approved drawings.

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 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 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 Before the building hereby permitted is first occupied the proposed windows in the rear elevation facing Temple Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

8 a) No development other than demolition works shall take place until details of the proposed green roof and how this will be maintained have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

9 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).

10 The roof of the building hereby permitted including above second floor, other than in the area indicated as communal roof on Drawing no. 217 Rev E; 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).

11 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).



12 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.

13 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

14 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.

15 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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.

16 a) No development shall take place until a scheme of proposed noise mitigation measures including acoustic ventilators at the front and rear façades to protect against externally generated traffic noise and noise from the adjacent residential development at 1069 Finchley Road has been submitted to and approved in writing by the Local Planning Authority.

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 the amenities of occupiers are not prejudiced by noise from traffic and adjacent residential use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016) and 7.15 of the London Plan 2011

17 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016).

18 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 (October 2016).

19 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. access, 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.
- xi. 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.

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.

20 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.

21 Before the development hereby permitted is first occupied, the cycle parking spaces and cycle storage facilities as indicated on the hereby approved Drawing no. 213 Rev B shall be implemented 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.

22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 52% 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.

23 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

24 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based

approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

### RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 9th March 2017 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The development does not include a formal undertaking to ensure that the future occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone and in the absence of sufficient on-site parking to serve the residential units. The proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

### Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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](http://www.planningportal.gov.uk/cil).

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

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £34,125.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £125,365.20 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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or 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](http://legislation.gov.uk)

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

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

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

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

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

- 4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 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.

- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 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
- 8 The applicant is advised that Finchley Road is part of a Strategic Road Network (SRN). Transport for London (TfL) is the Traffic Authority for this road. If the proposed development is likely to cause any disruption to traffic, then the Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 9 The applicant is advised that Finchley Road is Traffic Sensitive Road; deliveries during the construction period should not take place between Monday to Friday from 8.00am-9.30am and 4.30pm-6.30pm and from 9.00am to 4.30pm on Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 10 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.
- 11 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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



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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 12 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have 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 most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance: 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16), 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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

- 13 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- 14 The applicant is advised that if the works are implemented in conjunction with planning permission 15/01377/FUL then they will be perceived to have been implemented as one development and would be liable to make provision towards affordable housing.

## **Officer's Assessment**

### **1. Site Description**

The site is a terraced building on the west side of Finchley Road, previously accommodating the Police Station, within the Garden Suburb Ward. The building is two storeys with additional roof accommodation within a large mansard roof at two more storeys. The building features larger parapet walls to either side. To the rear, the building steps down to three storeys with basement. There is also a detached two storey block to the rear close to dwellings on Temple Gardens.

At the rear of the site, consent has been granted for a five storey building to facilitate 9no self-contained flats under reference 15/07709/FUL. At the time of the site visit, building works had not started, however conditions pursuant to the development have been discharged.

The building is not listed nor does it lie within a conservation area, however the building does make a positive contribution to this section of the Town Centre and is adjacent to the Hampstead Garden Suburb Conservation Area.

### **2. Site History**

Reference: 15/01377/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 30 June 2015

Description: Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings

Reason for refusal:

1. The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies

Appeal Reference: APP/N5090/W/15/3136451

Appeal Decision: Appeal allowed

Reference: 15/04900/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 23 December 2015

Description: Demolition of existing buildings and erection of new five storey building including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats

Reason for refusal:

1. The proposed development by reason of its pedestrian access and relationship to Temple Gardens would result in a harmful impact on neighbouring residential amenity due to associated noise, disturbance and general activity as perceived by neighbouring residential properties on Temple Gardens, being contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012)

Reference: 15/07709/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 28 January 2016

Description: Demolition of existing buildings and erection of new five storey building to facilitate 9 no. self-contained flats including 11 no. parking spaces, refuse and cycle storage with solar panels to roof

Reference: 16/2005/CON

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Split Decision

Decision Date: 11 May 2016

Description: Submission of details of condition 3 (Levels) 11 (Noise) pursuant to planning permission 15/07709/FUL dated 21/01/16

Reference: 16/2008/CON

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 10 May 2016

Description: Submission of details of condition 8 (Ground Conditions) pursuant to planning permission 15/07709/FUL dated 21/01/16

Reference: 16/2971/CON

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 14 June 2016

Description: Submission of details of condition 11 (Access) pursuant to planning permission 15/01377/FUL dated 04/04/16

### **3. Proposal**

The applicant seeks planning permission for the partial demolition of the existing building, including front and side elevations, and associated part four part five storey rear extensions to accommodate a mix use development. The scheme would involve office space at ground floor level and 6no. self-contained flats on the upper levels, with associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. In addition, the applicant seeks consent for the relocation of the entrance, new fenestration at front and front rooflights, in addition to the marginal increase of 0.5m of the ridge height to obscure the existing handrail and balustrade for the roof level. The scheme would not offer any off-street parking.

The proposed office would have a floor area of 124sqm at ground floor.

The proposed flats would be comprised of:

- 4 x 2 bed (4p) flats
- 2 x 1 bed (2p) flats

The communal roof terrace would have an area of 97sqm.

The rear extension would have a depth of 5.8m excluding the projecting windows, following the removal of the existing rearward wing to the southwest and external staircase. At ground floor, the extension would have a maximum width of 15.4m. At first and second floors, the side extension would have a width ranging between 25m to 21.8m, and at third floor the extension would be up to 6m from the northern boundary. The extension would have a height of 17.3m when measured at the rear (excluding lift); with the lift included the building would have a total height of 19.48m measured from the rear.

The building, including new rear extension would be sited 1.16m away (apart from the angled windows) from the rear boundary with the approved building at the rear.

#### **4. Public Consultation**

Consultation letters were sent to 132 neighbouring properties. 23 responses have been received, comprising 23 letters of objection.

The objections received can be summarised as follows:

- Addition parking and highways congestion/ lack of parking provision unacceptable
- Parking survey does not consider that houses have 2 cars & is generally misleading
- Overcrowding
- Loss of privacy/overbearing particularly on Temple Gardens
- Proposal for 15 flats is unacceptable.
- Nearby Post Office sold off recently and more likely for more residential units; area cannot take more parking pressure
- Affordable housing provision

A site notice was erected on the 8th December 2016.

The rear extension would have a depth of 5.8m excluding the projecting windows, following the removal of the existing rearward wing to the southwest and external staircase. At ground floor, the extension would have a maximum width of 15.4m. At first and second floors, the side extension would have a width ranging between 25m to 21.8m, and at third floor the extension would be up to 6m from the northern boundary. The extension would have a height of 17.3m when measured at the rear (excluding lift); with the lift included the building would have a total height of 19.48m measured from the rear.

#### **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.

#### Social Infrastructure SPG (May 2015)

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM14, 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.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenities for future occupiers
- Whether the development would increase parking pressures and congestion (Highways)
- Access and Sustainability measures

## **5.3 Assessment of proposals**

## Principle of development

The proposals involve the loss of the former police station. There is no policy protection for police stations as such. Policy DM14 of the adopted Local Plan Development Management Policies could be considered relevant as the former use would have provided some employment. Whilst the applicant has previously stated that the policy is not strictly relevant given that a police station is a Sui Generis use, it would have nonetheless provided a level of employment and the loss of this is a material planning consideration irrespective of whether policy DM14 of the Barnet Development Management Policies is applicable.

The proposal would retain some level of employment on the site and therefore is considered to be acceptable in this regard. The site is located within the Temple Fortune Town Centre, where in accordance to policy DM14, employment uses should be encouraged.

The police station use could also be considered to constitute a community use by reason of its nature. Policy DM13 states that loss of community or educational use will only be acceptable in exceptional circumstances where:

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

Policy 3.16 of the London Plan refers to the protection of the social infrastructure. The preamble to this policy advises that the loss of social infrastructure facilities may be acceptable where it is part of a programme of re-provision.

Paragraph 3.87A states that:

"Loss of social infrastructure in areas of defined need may be acceptable if it can be demonstrated that the disposal of assets is part of an agreed programme of social infrastructure re-provision (in health and community safety, for example) to ensure continued delivery of social infrastructure and related services."

This site was sold as part of the Mayor's Office for Policing and Crime 2013-16 Estates Strategy, a programme to rationalise existing premises and reduce running costs.

The London Plan in particularly Policy 3.16 and the Social Infrastructure SPG recognise this and advises that the loss of social infrastructure facilities may be acceptable where it is part of a programme of re-provision, which is the case here.

Therefore the development of the site for residential use is considered acceptable.

In terms of the density mix, this is considered to be acceptable in a Town Centre site.

The proposals would appear to comply with density standards in the Mayor's London plan. The site is located in an urban area and is located in an area of PTAL rating 2. The London Plan advises that development should be at 200-450 habitable rooms/hectare and 45-170 units/hectare. The proposal would result in 62.16 habitable rooms/hectare and 16.22 units/hectare, based on 23 habitable rooms.

### Impact on the character of the area

Although not benefiting from a statutory listing, the LPA is of the view that the existing building should be considered as a Non-Designated Heritage Asset, and the Council would seek to retain the front building, particularly the street frontage. Therefore paragraph 135 of the NPPF would apply.

The applicant proposes to retain the front elevation as part of the redevelopment and a condition has been added requiring for details of the retention elements to be provided to the Local Planning Authority, including mitigation measures to prevent damage to the front facade. At the front, the scheme would involve the marginal increase in the ridge height to obscure the proposed hand-rail (to the same level as the existing hand rail). This is considered to be a positive alteration which would have a minimal impact on the character of the area or the appearance of the building, given the height of existing building and its siting.

The proposed rooflights at the front would retain a level of hierarchy to the building, and although larger than what would be expected in a listed building, it is accepted that the building holds no statutory protection and the windows are required at this size to provide suitable daylight to future occupiers. Overall however, these are considered to be subordinate on the main roofslope and are centrally located, retaining a level of hierarchy in the fenestration of the building.

The other proposed changes at the front including reconstruction of the existing arch, relocation of front door and ground floor windows and insertion of railings are all considered to be acceptable and would retain the architectural integrity of the building. The principle of these works are considered to be acceptable, however further details would be secured by a condition attached.

The existing building benefits from prominent flank walls which are clearly visible from the northern and southern approach. There are no additional windows proposed to the side elevations, and any additional windows would require planning consent; officers are therefore satisfied that the proposed impact from streetscene of the proposed development would be limited.

The rear extension, although a maximum of 5 storeys, would be similar in terms of bulk and massing as the existing structure, and would not be visible from the streetscene, therefore its impact is limited. At its highest point, this would be comparable in scale to the approved building at the rear, immediately adjacent to the site. It is accepted that the building at the rear is more modern in design and in principle the Local Planning Authority do not object to this, particularly given the approval to the adjacent site.

Details of the modern components of the building and materials at the rear, would be provided as part of a condition, including the "solid spandrel panel" and the "brise soleil".

Overall, the proposal is considered to have an acceptable impact on the streetscene and the general character of the area.

### Impact on the amenities of neighbours

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours



amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

The proposal is not considered to cause harm to the amenities of occupiers of Temple Gardens at the rear, given the distance. Furthermore, there is an approval development comprising of residential units between Temple Gardens and the host site. As mentioned above, the approval to the rear of the site is a material consideration in the determination of any planning application on the site (planning reference 15/07709/FUL). The plans for the development at the host site indicate the layout of the approved scheme. The limited windows of the new approval at the rear of the site serve non-habitable rooms. The windows on the host site facing the rear of this development have been conditioned to be obscured glazed to prevent the perception of overlooking and these do not serve habitable rooms. Similarly, the windows at the rear/ side and balconies to the proposed development have been designed to be angled and involve elements such as solid screening and obscured glazing to prevent overlooking.

The applicant has provided a daylight/ sunlight report which concludes that the light to the approved scheme would be comparable to what was previously considered to be acceptable (with the existing rearward structure). Officers are therefore satisfied that the visual amenities of neighbouring occupiers would not be compromised in this regard and consideration has been given to the existing structure.

Environmental Health officers have reviewed the scheme and supporting documents, and considered that as there are issues with poor air and noise quality due to traffic on Golders Green Road, however they consider that the proposal would be acceptable subject to certain conditions and further details. These include have recommended certain conditions relating to noise mitigation measures including acoustic ventilators, which at the rear would ensure noise mitigation for the proposed development at the rear, and acoustic fencing at roof level. The acoustic fencing (located at the rear only) would be sited a considerable distance to prevent overlooking into the approved building at the rear, as demonstrated by the section drawing provided and hereby recommended for approval.

In light of the considerations above, the proposal is recommended for approval.

#### Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The proposed flats would all comply with the minimum space standards as stipulated in the London Plan

(Minor Alterations 2016) and supporting Council SPDs; in this regard the development is acceptable.

The Sustainable Design and Construction SPD specifies in Table 2.4 that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The applicant has demonstrated through the daylight and sunlight report, that the habitable rooms to the scheme proposed, particular to the west of the site, would benefit from suitable light in accordance with the BRE standards. All the units are dual aspect and therefore would be considered to provide suitable outlook to future occupiers. Note that part of outlook for flats 1,3, and 5 is towards flank wall of approved development so outlook is ok 'on balance'.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats, options include provision communally around buildings or on roofs or as balconies. The proposal would involve the provision of outdoor amenity space for 2 units through private terraces. There would also be a roof terrace which is proposed to be used as a communal facility; Environmental Health officers are satisfied that subject to acoustic fencing, the communal area would provide a suitable outdoor amenity area. The cumulative outdoor amenity space provision for the development would be 109sqm through the communal terrace (97sqm) and balconies (total of 12sqm); the development would be expected to provide 115sqm based on 23 habitable rooms. Notwithstanding this, the site is located in an area identified as a Town Centre with the associated amenities and the units all exceed the minimum space standards, therefore the shortfall in this case is considered to be acceptable.

As with the comments above relating to the amenities of neighbouring occupiers, the Environmental Health team consider that subject to conditions, the noise and air quality issues due to the siting of the site could be mitigated. This would include the requirement for acoustic ventilators to both the front and rear windows to reduce noise levels between both buildings.

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

### Highways

Officers have consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways.

The site has an access road that was originally used for the police station, however will now be used for the approved residential development to the rear (approved under reference 15/07709/FUL). The site lies in a Town Centre location and associated local amenities, however has a low PTAL score of 2. The site has various traffic restrictions to the front, which include payment parking and no waiting areas. The site is located within a one hour Controlled Parking Zone (CPZ).

Pedestrian access is proposed both from the existing access road to the side of the development that serves the property to the rear of the proposed development and the front of the site. This is considered to be acceptable in terms of pedestrian safety.

In accordance with Policy DM17, the scheme would require the provision of between 5 and 8 parking spaces based on the number and size of the units proposed; however the proposal does not have any off-street parking provision due to the restrictions on the site.

The applicant has provided a Transport Assessment which includes a parking survey. The conclusions of this report indicated that the parking pressure on both the unrestricted parking area and the roads in close proximity to the site are high although there are parking spaces available further away from the site which can possibly accommodate any overspill parking from the development.

Highways Officers therefore consider that given that the immediate roads in the close proximity of the site are close to capacity, by allowing car free development in this location is likely to result in unnecessary circular vehicular trips by the new occupiers of the development seeking parking spaces initially on roads in the close proximity of the site, and then venturing further out when not able to find parking on roads in the close vicinity of the site. This could result in detrimental impact on the free flow of traffic. For this reason it is necessary to mitigate the impact of the car free development by exempting the occupiers of the new development from purchasing parking permits. The applicant has therefore agreed to enter into a legal agreement to restrict the issue of parking permits for the future occupiers of this development. Subject to the legal agreement and conditions, the proposal would be acceptable on Highways grounds.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). As the majority of the building is a new build, the proposal would be expected to comply with M4(2) and the scheme includes the provision of a lift. A condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 52% CO<sub>2</sub> 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 to ensure compliance with the Policy

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

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

#### Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April

2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

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

The proposal has been calculated to be liable for £125,365.20 of Barnet CIL and £34,125.00 of Mayor's CIL.

#### **5.4 Response to Public Consultation**

It is considered that comments raised by objectors have been addressed in the report particularly in the character and highways section of the report.

"Proposal for 15 flats is unacceptable" - The development is for 9 units and is independent of the approval at the rear. If the development is being considered by objectors to be being implemented as one operation/ development, it would invalidate the approval on both sites. If the objectors are concerned, they can contact the Planning Enforcement team once works begin, however the applicant for the development at the rear has begun discharging conditions pursuant to the approved scheme.

"Nearby Post Office sold off recently and more likely for more residential units; area cannot take more parking pressure"- The possibility of future development on adjacent sites and associated impacts do not form material considerations in the determination of the current application under its current context.

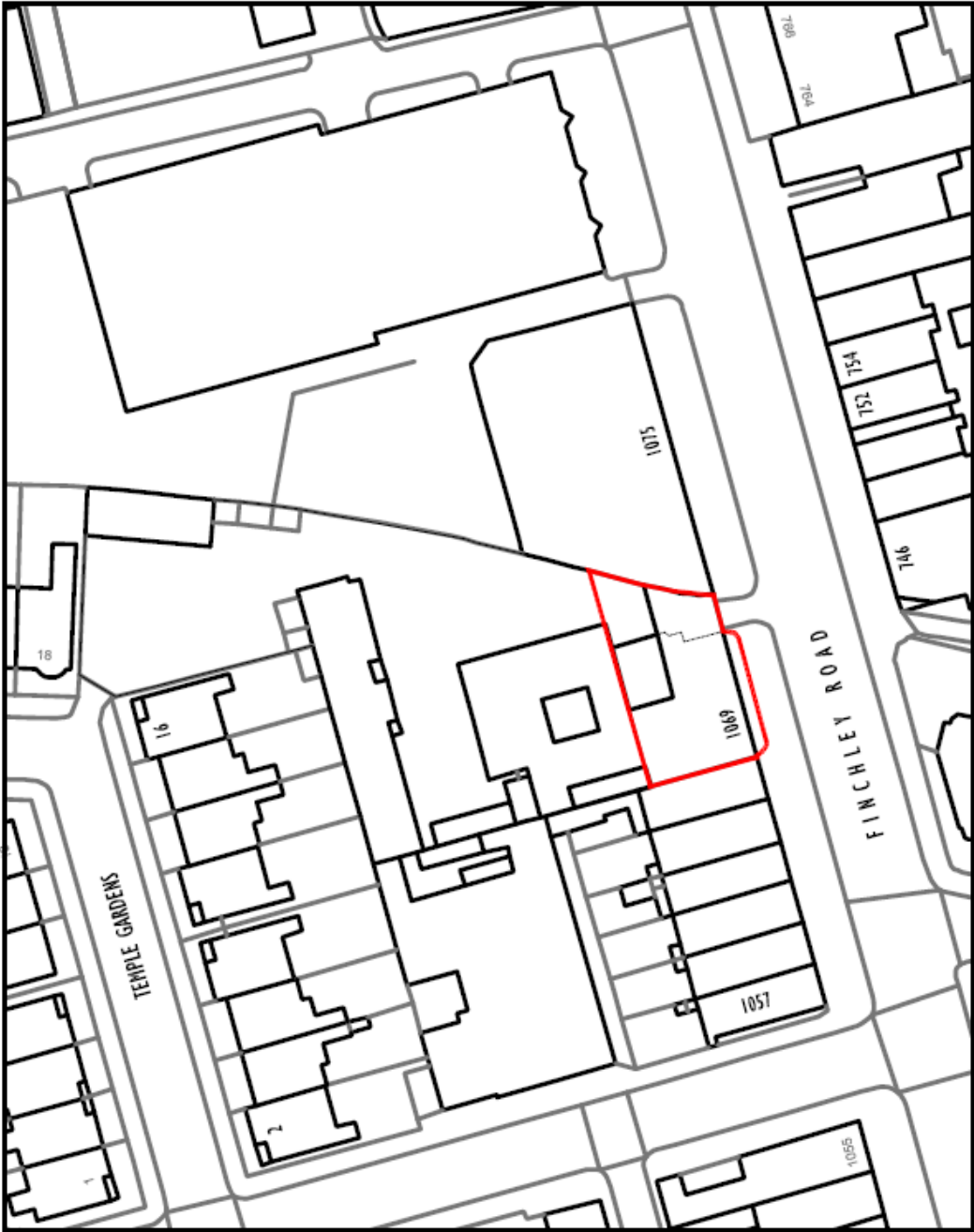
"Affordable housing provision"- The development due to the scale would be considered as a minor application and would not require affordable housing contributions.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

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



This page is intentionally left blank

**Location** 48 Ravenscroft Avenue London NW11 8AU

**Reference:** 16/8101/FUL

Received: 21st December 2016

Accepted: 30th December 2016

**Ward:** Golders Green

Expiry 24th February 2017

**Applicant:** Sandwell Developments LTd

**Proposal:** Conversion of existing property into 5no self-contained flats. Conversion of garage into habitable room, insertion of window to replace garage door. Single storey rear extension. New outbuilding to rear. Associated refuse and recycling store, parking, amenity space. Retention of roof extension including rear dormer window (AMENDED DESCRIPTION)

AGENDA ITEM 12

**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. 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 of seeking to secure the following:

(a) Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b) Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

(c) Amendment to Local Traffic Order

A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

**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:

Location Plan

4180\_PA\_01a

4180\_PA\_02 (received 24/01/2017)

4180\_PA\_03 (received 24/01/2017)

4180\_PA\_04a

4180\_PA\_05a

4180\_PA\_06 (received 24/01/2017)

4180\_PA\_07a

4180\_PA\_08a

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 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 October 2016).

- 5 Prior to the first occupation of the new dwelling(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.

- 6 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 7 a) Notwithstanding the details shown on Drawing 4810\_PA\_07a, 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).

- 8 a) Before the development hereby permitted is first occupied or the use first commences, parking spaces, cycle parking and turning spaces as shown on Drawings 4810\_PA\_07a; 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.

- 9 a) Before the development hereby permitted is first occupied, the existing amenity space shall be subdivided in accordance with the details on Drawing 4810\_PA\_07a 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 2016).

- 10 Before the building hereby permitted is first occupied the proposed window(s) facing Croft Court Hotel, No. 44 Ravenscroft Avenue on the western flank wall of the single storey rear extension hereby approved 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).

- 11 The roof of the single storey rear 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).

- 12 The use of the outbuilding hereby permitted shall at all times be incidental storage to and occupied in conjunction with the 5 no. flats on the application site and shall not at any time be occupied as a separate unit or dwelling.

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

- 13 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

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.

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 9th May 2017 unless otherwise agreed in writing, the Interim Head of Development Management REFUSE the application under delegated powers for the following reason:

The development does not include a formal undertaking to ensure that the future

occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone and in the absence of sufficient on-site parking to serve the residential units. The proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

### **Informative(s):**

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £1,015 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 £3,915 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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exceptional 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](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](http://legislation.gov.uk)

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

- 3 The applicant is advised that any alteration if required to the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. Reinstatement of any redundant crossovers, removal or relocation of any existing street furniture or alteration to road markings would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works. You may obtain an estimate for this work from the Crossover Team in Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.



## **Officer's Assessment**

### **1. Site Description**

The application site is a detached dwellinghouse located on the northern side of Ravenscroft Avenue. Croft Court Hotel, No. 44 Ravenscroft Avenue is located to the east of the application site. No. 50 Ravenscroft Avenue is located to the west of the application site. Eagle Lodge, a flatted development, is located to the north of the application site.

The application site benefits from an existing single storey rear outbuilding that was deemed lawful through application 16/0308/192. The existing outbuilding has an eaves height of 2.5 metres and a roof ridge height of 4 metres. It has a width of 8.5 metres and a depth of 6.9 metres. Its eastern flank wall is set back from the boundary of No. 44 Ravenscroft Avenue by 2 metres and it is set back from the boundary with No. 50 Ravenscroft Avenue by 2 metres. The northern boundary of the application site splays to the west and the northern boundary of the existing outbuilding is set back from the boundary by a minimum of 2 metres.

The detached dwellinghouse has an existing rear dormer window, 2 no. existing hip to gable extensions and an existing two storey rear extension. The roof of the two storey rear extension connects to the roof of the main body of the roof of the original two storey detached dwellinghouse. Combined together these extensions increase the cubic content of the original roof by more than 50 cubic metres so therefore they do not constitute permitted development.

The existing rear dormer has a width of 9 metres, a depth of 3.8 metres and a height of 2 metres.

The existing two storey rear extension has an eaves height of 5.8 metres and a roof ridge height of 6.7 metres. It has a depth of 3 metres and a width of 6.9 metres.

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

### **2. Site History**

Reference: 16/6615/FUL

Address: 48 Ravenscroft Avenue, London, NW11 8AU

Proposal: Conversion of existing property into 5no self-contained flats. Conversion of garage into habitable room, insertion of window to replace garage door. Single storey rear extension. New

outbuilding to rear. Associated refuse and recycling store, parking, amenity space. , .

Decision: Pending Consideration.

Decision Date: No Decision Made.

Reference: 16/0308/192

Address: 48 Ravenscroft Avenue, London, NW11 8AU

Proposal: Two storey rear extension. Removal of chimney. Conversion of garage into habitable room, insertion of window to replace garage door. Erection of outbuilding to rear garden.

Decision: Lawful.

Decision Date: 1 February 2016

### **3. Proposal**

The conversion of the existing semi-detached dwellinghouse into 5 no. self-contained flats with associated refuse and recycling store, on-site parking and rear amenity space.

The erection of a single storey rear extension that projects 5.5 metres in depth from the rear elevation wall and it has a width of 10.6 metres and flat roof with a height of 3.4 metres. Before the existing two storey rear extension was erected the application site had an existing single storey rear outrigger that projected 3.6 metres in depth beyond the rear elevation wall and it had a width of 6.9 metres and flat roof with a height of 3.4 metres. The proposed single storey rear extension projects only 1.9 metres in depth beyond the rear flank wall of the pre-existing single storey rear outrigger.

Alterations to the fenestration and internal layout of the rear outbuilding that was deemed lawful through application 16/0308/192. The outbuilding is to be used as storage space for the 5 no. proposed flats.

The retention the existing rear dormer windows, the existing 2 no. hip to gable extension and the roof of the existing two storey rear extension.

### **4. Public Consultation**

104 consultation letters were sent to neighbouring properties.  
A site notice was erected on 30/12/2016.

7 objections were received in response. The objections concerned the following issues:

- The outbuilding is poorly designed and it appears incongruous on the application site and it would be out of character with the other properties in the street scene.
- The design of the outbuilding as built appears inconsistent with the submitted plans.
- The conversion of the existing dwellinghouse into no 5 no. flats is an over development of the application site and it is inconsistent with the other properties in the local area.
- There is limited on street parking provision in the local area and conversion into 5 no. flats would further exacerbate this problem.
- The outbuilding could be used as a self-contained residential unit.
- Due to the number of potential future occupiers living on the application site, the proposal would cause the occupiers of adjoin properties to suffer a material loss of privacy when using their rear gardens.
- The proposed singles storey rear extension and the outbuilding would alter the existing rear garden and result in a loss of habitation for wild life.

### **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 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, CS14.
- Relevant Development Management Policies: DM01, DM02, DM07, DM08 and DM17.

#### 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 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.

### **5.3 Assessment of proposals**

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

The principle of flats in this location:

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

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

Policy DM01 of Barnet's Development Management Policies states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

The locality that surrounds the application site contains existing flatted residential development. According to council tax records the following properties contain flats:

1 Ravenscroft Avenue = 3 Flats  
3 Ravenscroft Avenue = 3 Flats  
10 Ravenscroft Avenue = 3 Flats  
12 Ravenscroft Avenue - 2 Flats  
Ravenscroft Court, Ravenscroft Avenue = 13 Flats  
Chesterfield Court, Ravenscroft Avenue = 5 Flats  
Ayla Court, 21 Ravenscroft Avenue = 5 Flats  
29 Ravenscroft Avenue = 29 Flats  
33 Ravenscroft Avenue = 2 Flats  
35 Ravenscroft Avenue = 2 Flats  
8 Ravenscroft Avenue = 11 Flats

10 Ravenscroft Avenue = 3 flats

As there are several flatted developments in the area surrounding the application site, it is considered that the conversion of the application site into flats is acceptable in principle. It is noted that Chesterfield Court, Ravenscroft Avenue is a detached property of a similar size to the application site and it contains 5 no. flats.

Density:

The proposal is for 5 no. residential units with 11 no. habitable rooms. The application site has a size of 0.06 hectares. The London Plan density matrix calculator was used to assess the proposal.

The proposal has a density of:

Unit per hectare: 83.33 u/ha

Habitable rooms per hectare: 183.33 hr/ha

The application site is located in a suburban area and it has a Public Transport Accessibility Level (PTAL) of 4. A location such as this can have a maximum density of between 200-350 hr/ha and 70-130 u/ha. The proposal does not exceed this density so therefore the conversion of the existing dwellinghouse into 5 no. flats is not considered to be an over intensification of the use of the application site.

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floor Area:

The 5 no. proposed flats have the following gross internal area (gia)

Flat 1	2 bedrooms 3 persons	86 m <sup>2</sup>
Flat 2	1 bedroom 2 persons	58 m <sup>2</sup>
Flat 3	1 bedroom 2 persons	50 m <sup>2</sup>
Flat 4	1 bedrooms 2 persons	50 m <sup>2</sup>
Flat 5	1 bedroom 1 persons	45 m <sup>2</sup>

The London Plan (2016) and Barnet's policies and Sustainable Design and Construction SPD (Oct 2016) set out the minimum gia requirements for residential units. The minimum requirements are as follows:

- 2 bedroom unit for 3 persons on a single storey requires 61 m<sup>2</sup>
- 1 bedroom unit for 2 persons on a single storey requires 50 m<sup>2</sup>
- 1 bedroom unit for 1 person on a single storey requires 37 m<sup>2</sup>

It is considered that the 5 no. proposed units meet this requirement.

Bedroom size:

Table 2.2: 'Internal layout and design requirements' of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide to comply with the nationally described space standard.

- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and minimum width should be 2.75 m to comply with the nationally described space standard.

All the bedrooms in the proposed 5 no. flats meet these standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. All of the proposed flats have floor to ceiling heights that meet this requirement.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that habitable rooms should receive adequate outlook. It is considered that all the habitable rooms have enough glazing to provide adequate outlook and to receive adequate daylight/sunlight. Flat 4 is single aspect but as the habitable rooms in this unit have adequate glazing, the future occupiers would receive enough daylight/sunlight and have enough outlook to enjoy an acceptable standard of accommodation.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. It is noted the living/kitchen room of Flat 3 on the first floor is above the bedroom of Flat 1 on the ground floor but it is considered that with adequate sound insulation that the occupiers of Flat 1 can be would not suffer a material loss of amenity as a result of noise and disturbance.

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

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5 m<sup>2</sup> of amenity space per habitable room. Habitable rooms exceeding 20 m<sup>2</sup> of floor space are counted as two.

Flat 1 has 4 no. habitable rooms and requires 20 m<sup>2</sup> of amenity space.

Flat 2, Flat 3, Flat 4 and Flat 5 have 3 no. habitable rooms and require 15 m<sup>2</sup> of amenity space each.

Flat 1 and Flat 2 are provided with 36 m<sup>2</sup> and 28 m<sup>2</sup> of private amenity space respectively which meets this requirement.

Flat 3, Flat 4 and Flat 5 are provided with 143 m<sup>2</sup> of shared amenity space at the rear of the property. As these flats are single bedroom units rather than family units, having shared amenity space is considered acceptable.

For these reasons it is considered that the proposal would provide the future occupiers of the property with adequate amenity space.

#### The Impact on the appearance and character of the area:

Extensions should appear to be subservient additions to the original detached property.

Barnet's Residential Design Guidance SPD (October 2016) states that rear dormers should not occupy more than half the width or half the depth of the roof slope. The existing rear dormer window is greater than half width of the original roof slope as it is built on the existing hip to gable extensions. But it is also noted that the rear dormer is set up from the eaves by 0.35 metres and set down from the roof ridge by 0.5 metres. There are many examples large roof extensions within the street scene. Although the existing rear dormer is of a greater bulk than the Residential Design Guidance SPD (October 2016) suggests is appropriate, it is considered that if the width of the existing dormer was reduced to half the width of the original roof slope the visual impact on the streetscene would not be materially altered. On balance the existing rear dormer window is acceptable.

The existing two storey rear extension meets the requirements of permitted development except for the fact that its roof is connected to the original roof of the main body of the existing detached dwellinghouse and the roof extensions that have been carried out to the detached property exceed the 50 m<sup>3</sup> allowance given under permitted development. Due to its size and shape, the roof of the two storey rear extension is considered to respect the architectural integrity of the original semi-detached property and it would not have a negative impact on the streetscene.

There are other examples of hip to gable roof extensions within the surrounding area so therefore the existing hip to gable extensions would not appear incongruous on the application site and nor would they have a negative impact on the character of the streetscene.

Barnet's Residential Design Guidance SPD (October 2016) states that depth of a single storey rear extension, normally considered acceptable for a detached property is 4 metres. The proposed single storey rear extension projects 5.5 metres in depth from the rear elevation wall, but it is noted that the detached property on the application site had a single storey rear outrigger that projected 3.6 metres in depth beyond the rear elevation wall. The proposed single storey extension is set back 1 metre from the boundary with Croft Court Hotel, No. 44 Ravenscroft Avenue and 0.9 metres from the boundary with No. 50 Ravenscroft Avenue. The rear garden on the application site is considered to be large and there is a setback of approximately of 27 metres from the rear flank wall of the proposed single storey rear extension and the northern boundary of the application site. For these reasons the proposed single storey rear extension is not considered to visually dominate the application site and it would respect the architectural integrity of the original detached property.

The single storey rear outbuilding has the same dimensions as the outbuilding deemed lawful through application 16/0308/192. The only external differences are to the fenestration and these alterations could be carried out under permitted development. As the outbuilding has been deemed lawful and was mostly constructed as the time of the officer's site visit, it is considered that its visual impact on the streetscene will not be assessed as part of this application.

#### The impact on the amenities of neighbouring occupiers

There are several examples of flatted development in the area surrounding the application site and the proposal only provides accommodation for 10 no. people. For these reasons it is considered that the proposal would not result in the occupiers of neighbouring and adjoining properties from suffering a material loss of amenity as a result of future occupiers of the property coming and going from the application site and occupying the detached property. The communal amenity space on the application site is accessed via a path between the eastern elevation of the detached property on the application site and the western side elevation of Croft Court Hotel, No. 44 Ravenscroft Avenue. As this adjoining property is a hotel it has many people occupying the site so therefore the occupiers of the hotel would not be suffer a material loss of amenity from people using this path to access and the communal amenity space and from occupying the amenity space.

No. 50 Ravenscroft Avenue is a single family dwellinghouse. The private garden space for Flat 1 is positioned next the No. 50 Ravenscroft Avenue's western boundary. The private garden space for Flat 1 is only to be used by a small household and the communal garden space is located approximately 12.5 metres in depth rom the rear elevation of No. 50 Ravenscroft Avenue. For these reasons it is considered the occupiers of No. 50 Ravenscroft Avenue would not suffer a material loss of amenity as a result of noise and disturbance or a loss of privacy as a result of the occupiers 5 no. prosed flats using the onsite amenity space.

The plans submitted with the application state that the rear outbuilding is to be used for storage purposes. A condition shall be included in the decision notice requiring that it is ancillary to the 5 no. flats and it not used as a self-contained unit.

There is a window on the western flank of the propsoed single storey rear extension. To prevent the occupiers of Croft Court Hotel, No. 44 Ravenscroft Avenue from suffering a material loss of amenity as a result of a loss of privacy a condition shall be included in the decision notice requiring this window to be entirely obscure glazed and permanently fixed shut fixed shut unless the part of the window that is operable is 1.7 metres above the internal floor height. Due to its size, height, position and fenestration the proposed single storey rear extension is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight, a loss of outlook or a loss of privacy and nor would it have an overbearing impact on these properties.

The overlooking of the rear amenity space of neighbouring and adjoining properties from the windows of the rear dormer is considered to be no worse than the overlooking from the rear elevation windows of the original semi-detached property.

#### Parking and Highways

In accordance with our policy DM17 1 bed units require 1 to less than 1 space and 2 bed unit 1 to 1.5 spaces per unit. Taking into account the accessibility of the location with a

PTAL of 4 with 4 x 1 bedroom and 1 x 2 bedroom the parking demand will be 0.3 spaces for each 1 bed and 1.2 spaces for the 2 bed, the total demand is 3 spaces. The development will include 2 off-street spaces and therefore there is an overspill of 1 space. Resident permit holders only Mon-Fri 11am-12pm and parking is in high demand. In accordance with our policy the applicant should undertake a parking survey to confirm there is spare capacity, if the applicant is not willing than we would ask that the developer enters into a unilateral agreement to remove the right for residents to apply for an on-street residential parking permit and contribute £2000 to amend the Traffic Management Order (TMO).

Cycle parking provision should be in accordance with the London Plan that requires a minimum of 1 space for 1 bed units and 2 spaces for 2+ bed units. A condition shall be included in the decision notice requiring adequate cycle parking provision.

#### Refuse and recycling storage

Collectively the proposed 5 no. flats require the following onsite bin provision:

- 1 no. grey 1100L metal bin (known as a euro bin)
- 2 no. blue 240L dry recycling bins
- 3 no. green 240L garden waste recycling bins

The proposal provides this adequate waste and recycling storage at the front amenity space of the property.

#### **5.4 Response to Public Consultation**

The following issues have been addressed elsewhere in the report:

- The principle of the conversion of the application site into flats
- The visual impact of the proposed and existing extension on the streetscene
- The impact of the proposal on parking provision in the local area.
- The use of the outbuilding and its design
- The impact on the amenity of neighbouring and adjoining occupiers

Material considerations:

- The proposal only slightly reduces the garden area and so therefore it is not considered to have a material impact on flora and fauna on the application site

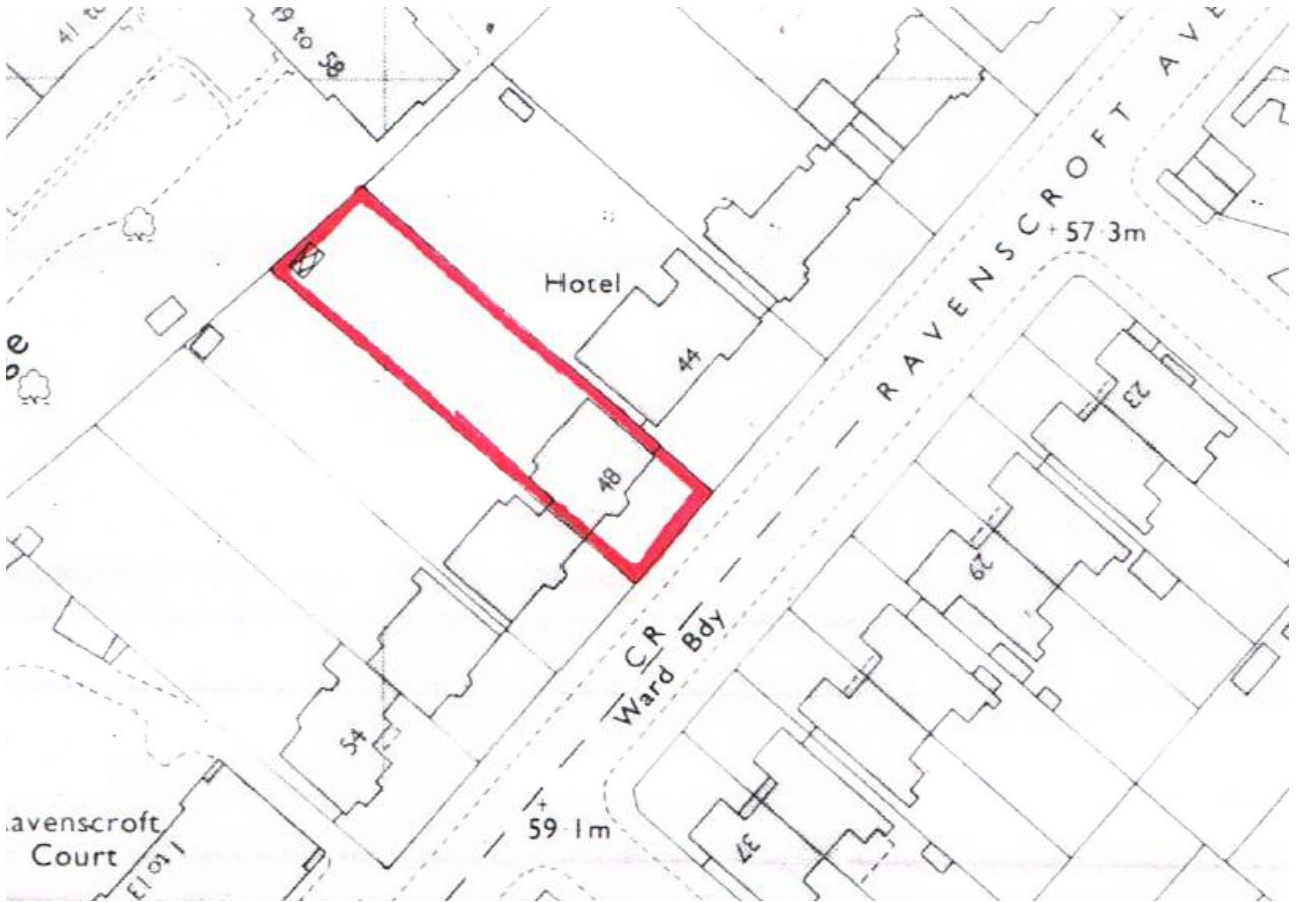
#### **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and 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 and it would provide an acceptable standard of amenity for future

occupiers. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.





**Location** 15 North Square London NW11 7AD

**Reference:** 17/0348/LBC

Received: 20th January 2017

Accepted: 20th January 2017

**Ward:** Garden Suburb

Expiry 17th March 2017

**Applicant:** Mr & Mrs R & M Grethe

**Proposal:** Demolition of the existing garage and erection of new garage/garden room  
(LISTED BUILDING CONSENT)

AGENDA ITEM 13

**Recommendation:** Approve subject to conditions

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

Site Location Plan; 305/EX/01; 305/EX/02; 305/PR/01 Rev E; 305/PR/02 Rev D

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 work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

- 6 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 application site is located on the northern side of North Square, within Area 11 of the Hampstead Garden Suburb Conservation Area, in the Garden Suburb ward.

The existing building on site is a Grade II\* listed, end-of-terrace residential dwelling house. At the western side of the application property there is a driveway giving access to a 1980s garage which sits in a similar location to where the original garage building would have been sited in the corner of the site adjacent to the boundary with Big Wood, a designated Local Nature Reserve which is open to the public at all times. It is this garage building which is the subject of the application.

The adopted Conservation Area Character Appraisal notes;

"North Square itself provides an impressive panorama. Large houses enclose the square on two sides. The car park and grassed area in front of the Free Church provide an extensive open space from which rise the mass of the Church and the Manse. To the east, hedges and tall trees and remnants of old woodland border the Square. This corner has an intimate woodland feel and the electricity sub-station site, sheltered by its impenetrable yew hedge, is a haven for wild life. The ambiance is that of a quiet Cathedral Close marred only by the large numbers of parked cars which spoil the vista, and heavy traffic around the east side of North Square at peak school run times.

In North Square Nos. 1-8 is a terrace of eight three-storey houses by Lutyens (1907-10), while Nos. 9-15 is a symmetrical terrace by Sutcliffe following Lutyens' style. All are in greyish brick with contrasting red brick quoins and bays. Due to the houses being built below the level of the square, the siting of features can be surprising, such as the ground floor windows on No. 1 which are only 18ins-2ft above the ground. The detailing of these houses is strikingly eclectic with projecting bays and dormers, balustraded balconies, blind niches, and fine doorcases. Nos. 7, 10 and 12 have metal casements rather than sash dormers. Most houses have fanlights above their front doors in varying styles. No. 9 has a black and white wooden sundial, with roman numerals and metal pointer on a raised rectangular plaque with quotation and date, 1920. Inappropriately positioned burglar alarms sometimes spoil a façade e.g. No. 6 has an alarm centred on the arch of a cartouche window.

On the northeast side, Numbers 10 and 12 are set forward with double height bays on either side of the front doors. Their dormers do not match, the lead glazing bars of No. 12 having been replaced with metal. No. 11 at the centre of the terrace has a mixture of fenestration including three cartouche-shaped first floor windows. The last house in the terrace (No. 15) is almost invisible, with a full-size farm gate and access down a wide path of unsympathetic material. Almost the whole of the front garden has been lost to hardstanding. No. 16, The Studio, cannot be seen at all from the street. Built of red brick, obscured by woodland, its roof covered with ivy, with access only from the Quaker Meeting House garden. The single-storey Quaker Meeting House is set back and dwarfed peacefully by the tall trees. It is a plain building in total contrast to the grand style of Lutyens and is modelled on William Penn's Meeting House in Jordans, Pennsylvania. Notice boards are set on an eye catching semi-circular curved red brick wall that encloses shallow, wide, paved steps. There is also a slope down to the planted garden for disabled access. More large oaks line the pavement and hide two garages down a long, stony,

'rural' path. This corner has a totally different character from that of the rest of North Square, due to the trees.

## **2. Site History**

Reference: 16/5101/HSE

Address: 15 North Square, London, NW11 7AD

Decision: Approved subject to conditions

Decision Date: 16 November 2016

Description: Replacement of non original windows and doors with double glazing. 3no flush rooflights to first floor rear flat roof. Single storey rear extension to kitchen. New window to ground floor rear elevation. Internal alterations.

Reference: 16/5102/LBC

Address: 15 North Square, London, NW11 7AD

Decision: Approved subject to conditions

Decision Date: 16 November 2016

Description: Replacement of non original windows and doors with double glazing. 3no flush rooflights to first floor rear flat roof. Single storey rear extension to kitchen. New window to ground floor rear elevation. Internal alterations.

## **3. Proposal**

This application seeks consent for the demolition of the existing garage and erection of new garage / garden room.

The proposed replacement outbuilding would measure 7.8m in length, 3.5m in width with a proposed height of approximately 2.5m to the eaves and just less than 4m to the ridge.

The existing garage is not an original feature and was replaced in the 1980s.

## **4. Public Consultation**

A site notice was erected on 2/2/2016

A press notice was published on 2/2/2016

4 neighbours were consulted

4 objections were received

The views of objectors can be summarised as follows;

- Development has larger footprint than existing
- Development will be used as habitable space
- Outbuilding will obscure views of Bigwood to the rear
- Overlooking
- Loss of privacy
- Impact on natural environment
- Pitched roof in appropriate
- Noise disturbance
- Unacceptable precedent
- Concerns the site location plan is incorrect
- New fence in wrong location and encroaches on to Bigwood to the rear
- Impact on protected species

Internal / other consultation

Historic England:

"We were consulted on this proposal for rebuilding the garage, a 1980s rebuild of a 1930s design, at pre-application stage. We stated at that time that rebuilding the garage was acceptable, but that the new structure should remain a subservient outbuilding. We suggested that using a flat, rather than pitched, roof and reducing the glazing would be ways of achieving this.

The scheme has now been revised to limit the height and footprint of the proposed new structure, so that the increase in massing is much less than the previous proposal and the structure is pulled further from the house. Although the pitched roof remains, its height and volume have been considerably reduced. The glazing has been reduced and the south elevation retained as a garage door. Subject to careful detailing, we consider that the impact on the significance of the grade II\* building will therefore be minimal.

We are therefore content for your Authority to decide this application as you see fit. We recommend that this application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice."

It should be noted that the Hampstead Garden Suburb Trust have already approved this development in November 2016.

This application has been called I to be decided at the Finchley and Golders Green Area Sub-Committee by Councillor Marshall as Historic England has raised interesting points.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Preamble**

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

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both

houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

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

#### **5.4 Assessment of proposals**

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at paragraph 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 131-135 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

A replacement garage following the demolition of the existing garage and attached lean-to is sought. The existing garage building is not an original feature of the Grade II\* listed building, having been rebuilt in the 1980s; as such it is considered to hold no significance and does not contribute positively to the setting of the Grade II\*listed building or wider Conservation Area.

This application follows formal pre-application advice from Historic England where a larger building was sought. The application shows a reduced scheme matching the footprint of the existing rebuilt garage and attached lean-to sited to the rear. It is recognised that a pitched roof has been incorporated into the scheme, with roof tiles to match the main dwelling house, but the resultant appearance is similar of the original garage or garden room developments found in the area including those found at nearby Heathgate.

The proposed replacement outbuilding is proposed to be detailed in brick to match the house, with red brick quoins and painted timber garage doors facing the driveway and French doors opening on the garden side.

It is noted that the proposed development is sited adjacent to the boundary with Big Wood nature reserve and within the Root Protection Areas of several trees, however, it is not

considered that the proposals will give rise to any harm to trees of a high amenity value as the new outbuilding is able to utilise the existing 2.5m deep foundations which were used when the original outbuilding was rebuilt in the 1980s.

Having regard to the above, it is considered that there is no material harm to the designated heritage asset has been identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposed alterations do not detrimentally impact on the qualities of the Grade II\* statutory listed building and protect the character of this part of Hampstead Garden Suburb Conservation Area. The design, size and siting of the basement extension is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, trees of special amenity value and area of special character. The proposals would not impact detrimentally on the health of trees.

#### **5.4 Response to Public Consultation**

The concerns raised by objectors are noted. Whilst it is noted that the brick-built garage form is enlarged to include the footprint of the attached lean-to, the 300mm increase sited to the rear is not considered to be harmful to the setting of the listed building or wider Conservation Area.

There is no objection to the proposed outbuilding being used as habitable space as many other similar developments have been approved throughout the Conservation Area and therefore this application is not considered to represent any kind of precedent.

Given the siting of the proposed outbuilding in the western rear corner of the site on the same footprint as the existing rebuilt garage and attached lean-to it is not considered that the proposed development will give rise to any loss of amenity to neighbouring occupiers. There already exists a building with window looking into the garden in this location.

Boundary matters are not material planning considerations.

#### **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, the proposals would not detrimentally impact on the qualities of the Grade II\* Statutory Listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.





**Location**                    **15 North Square London NW11 7AD**

**Reference:**                **17/0347/HSE**

Received: 20th January 2017

**AGENDA ITEM 14**

Accepted: 20th January 2017

Ward:                        Garden Suburb

Expiry 17th March 2017

Applicant:                Mr & Mrs R & M Grethe

Proposal:                 Demolition of the existing garage and erection of new garage/garden room

**Recommendation:** Approve subject to conditions

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

Site Location Plan; 305/EX/01; 305/EX/02; 305/PR/01 Rev E; 305/PR/02 Rev D

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

- 6 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 7 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

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

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

#### **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 application site is located on the northern side of North Square, within Area 11 of the Hampstead Garden Suburb Conservation Area, in the Garden Suburb ward.

The existing building on site is a Grade II\* listed, end-of-terrace residential dwelling house. At the western side of the application property there is a driveway giving access to a 1980s garage which sits in a similar location to where the original garage building would have been sited in the corner of the site adjacent to the boundary with Big Wood, a designated Local Nature Reserve which is open to the public at all times. It is this garage building which is the subject of the application.

The adopted Conservation Area Character Appraisal notes;

"North Square itself provides an impressive panorama. Large houses enclose the square on two sides. The car park and grassed area in front of the Free Church provide an extensive open space from which rise the mass of the Church and the Manse. To the east, hedges and tall trees and remnants of old woodland border the Square. This corner has an intimate woodland feel and the electricity sub-station site, sheltered by its impenetrable yew hedge, is a haven for wild life. The ambiance is that of a quiet Cathedral Close marred only by the large numbers of parked cars which spoil the vista, and heavy traffic around the east side of North Square at peak school run times.

In North Square Nos. 1-8 is a terrace of eight three-storey houses by Lutyens (1907-10), while Nos. 9-15 is a symmetrical terrace by Sutcliffe following Lutyens' style. All are in greyish brick with contrasting red brick quoins and bays. Due to the houses being built below the level of the square, the siting of features can be surprising, such as the ground floor windows on No. 1 which are only 18ins-2ft above the ground. The detailing of these houses is strikingly eclectic with projecting bays and dormers, balustraded balconies, blind niches, and fine doorcases. Nos. 7, 10 and 12 have metal casements rather than sash dormers. Most houses have fanlights above their front doors in varying styles. No. 9 has a black and white wooden sundial, with roman numerals and metal pointer on a raised rectangular plaque with quotation and date, 1920. Inappropriately positioned burglar alarms sometimes spoil a façade e.g. No. 6 has an alarm centred on the arch of a cartouche window.

On the northeast side, Numbers 10 and 12 are set forward with double height bays on either side of the front doors. Their dormers do not match, the lead glazing bars of No. 12 having been replaced with metal. No. 11 at the centre of the terrace has a mixture of fenestration including three cartouche-shaped first floor windows. The last house in the terrace (No. 15) is almost invisible, with a full-size farm gate and access down a wide path of unsympathetic material. Almost the whole of the front garden has been lost to hardstanding. No. 16, The Studio, cannot be seen at all from the street. Built of red brick, obscured by woodland, its roof covered with ivy, with access only from the Quaker Meeting House garden. The single-storey Quaker Meeting House is set back and dwarfed peacefully by the tall trees. It is a plain building in total contrast to the grand style of Lutyens and is modelled on William Penn's Meeting House in Jordans, Pennsylvania. Notice boards are set on an eye catching semi-circular curved red brick wall that encloses shallow, wide, paved steps. There is also a slope down to the planted garden for disabled access. More large oaks line the pavement and hide two garages down a long, stony,

'rural' path. This corner has a totally different character from that of the rest of North Square, due to the trees.

## **2. Site History**

Reference: 16/5101/HSE

Address: 15 North Square, London, NW11 7AD

Decision: Approved subject to conditions

Decision Date: 16 November 2016

Description: Replacement of non original windows and doors with double glazing. 3no flush rooflights to first floor rear flat roof. Single storey rear extension to kitchen. New window to ground floor rear elevation. Internal alterations.

Reference: 16/5102/LBC

Address: 15 North Square, London, NW11 7AD

Decision: Approved subject to conditions

Decision Date: 16 November 2016

Description: Replacement of non original windows and doors with double glazing. 3no flush rooflights to first floor rear flat roof. Single storey rear extension to kitchen. New window to ground floor rear elevation. Internal alterations.

## **3. Proposal**

This application seeks consent for the demolition of the existing garage and erection of new garage / garden room.

The proposed replacement outbuilding would measure 7.8m in length, 3.5m in width with a proposed height of approximately 2.5m to the eaves and just less than 4m to the ridge.

The existing garage is not an original feature and was replaced in the 1980s.

## **4. Public Consultation**

A site notice was erected on 2/2/2016

A press notice was published on 2/2/2016

4 neighbours were consulted

4 objections were received

The views of objectors can be summarised as follows;

- Development has larger footprint than existing
- Development will be used as habitable space
- Outbuilding will obscure views of Bigwood to the rear
- Overlooking
- Loss of privacy
- Impact on natural environment
- Pitched roof in appropriate
- Noise disturbance
- Unacceptable precedent
- Concerns the site location plan is incorrect
- New fence in wrong location and encroaches on to Bigwood to the rear
- Impact on protected species

Internal / other consultation

Historic England:

"We were consulted on this proposal for rebuilding the garage, a 1980s rebuild of a 1930s design, at pre-application stage. We stated at that time that rebuilding the garage was acceptable, but that the new structure should remain a subservient outbuilding. We suggested that using a flat, rather than pitched, roof and reducing the glazing would be ways of achieving this.

The scheme has now been revised to limit the height and footprint of the proposed new structure, so that the increase in massing is much less than the previous proposal and the structure is pulled further from the house. Although the pitched roof remains, its height and volume have been considerably reduced. The glazing has been reduced and the south elevation retained as a garage door. Subject to careful detailing, we consider that the impact on the significance of the grade II\* building will therefore be minimal.

We are therefore content for your Authority to decide this application as you see fit. We recommend that this application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice."

It should be noted that the Hampstead Garden Suburb Trust have already approved this development in November 2016.

This application has been called I to be decided at the Finchley and Golders Green Area Sub-Committee by Councillor Marshall as Historic England has raised interesting points.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Preamble**

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

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both

houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

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

#### **5.4 Assessment of proposals**

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at paragraph 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 131-135 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

A replacement garage following the demolition of the existing garage and attached lean-to is sought. The existing garage building is not an original feature of the Grade II\* listed building, having been rebuilt in the 1980s; as such it is considered to hold no significance and does not contribute positively to the setting of the Grade II\*listed building or wider Conservation Area.

This application follows formal pre-application advice from Historic England where a larger building was sought. The application shows a reduced scheme matching the footprint of the existing rebuilt garage and attached lean-to sited to the rear. It is recognised that a pitched roof has been incorporated into the scheme, with roof tiles to match the main dwelling house, but the resultant appearance is similar of the original garage or garden room developments found in the area including those found at nearby Heathgate.

The proposed replacement outbuilding is proposed to be detailed in brick to match the house, with red brick quoins and painted timber garage doors facing the driveway and French doors opening on the garden side.

It is noted that the proposed development is sited adjacent to the boundary with Big Wood nature reserve and within the Root Protection Areas of several trees, however, it is not

considered that the proposals will give rise to any harm to trees of a high amenity value as the new outbuilding is able to utilise the existing 2.5m deep foundations which were used when the original outbuilding was rebuilt in the 1980s.

Having regard to the above, it is considered that there is no material harm to the designated heritage asset has been identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposed alterations do not detrimentally impact on the qualities of the Grade II\* statutory listed building and protect the character of this part of Hampstead Garden Suburb Conservation Area. The design, size and siting of the basement extension is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, trees of special amenity value and area of special character. The proposals would not impact detrimentally on the health of trees.

#### **5.4 Response to Public Consultation**

The concerns raised by objectors are noted. Whilst it is noted that the brick-built garage form is enlarged to include the footprint of the attached lean-to, the 300mm increase sited to the rear is not considered to be harmful to the setting of the listed building or wider Conservation Area.

There is no objection to the proposed outbuilding being used as habitable space as many other similar developments have been approved throughout the Conservation Area and therefore this application is not considered to represent any kind of precedent.

Given the siting of the proposed outbuilding in the western rear corner of the site on the same footprint as the existing rebuilt garage and attached lean-to it is not considered that the proposed development will give rise to any loss of amenity to neighbouring occupiers. There already exists a building with window looking into the garden in this location.

Boundary matters are not material planning considerations.

#### **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, the proposals would not detrimentally impact on the qualities of the Grade II\* Statutory Listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.





This page is intentionally left blank

<b>Location</b>	<b>North Western Reform Synagogue Alyth Gardens London NW11 7EN</b>	
<b>Reference:</b>	<b>17/0369/FUL</b>	Received: 23rd January 2017 Accepted: 24th January 2017
<b>Ward:</b>	Garden Suburb	Expiry 21st March 2017
<b>Applicant:</b>	North Western Reform Synagogue	
<b>Proposal:</b>	Two-storey side extension to the Leo Baeck Wing. Refurbishment of existing synagogue with associated car parking, cycle and refuse storage and new boundary treatment	

AGENDA ITEM 15

**Recommendation:** Approve following legal agreement

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

A09, A90, A100, A110, A120, A130, A200, A210 and A300.

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

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

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

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

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

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

4 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

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

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

5 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.

6 a) Prior to the commencement of construction works at the site, details of building sustainability measures shall have been submitted to and approved by the Local Planning Authority.

b) The development shall then be completed in accordance with the approved details prior to the first use of the extension, and following that shall be maintained as such.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies 5.2 and 5.3 of the London Plan (2016), Policies DM02 and DM04 of the Development Management Policies DPD and the Sustainable Design and Construction SPD (adopted October 2016).

7 The development shall be carried out only in accordance with the relevant details in the submitted Construction Management Plan (Blue Eye Management Ltd, January

2017). This shall include the restriction on hours of work at the site to between 8 a.m. and 5 p.m. Mondays to Fridays and 8 a.m. and 1 p.m. on Saturdays only.

Reason: In the interests of highway safety, neighbour amenity 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).

- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. A90 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.

- 9 a) Prior to the first occupation of the approved extension, details of secure cycle storage shall have been submitted to and approved in writing by the Local Planning Authority.  
b) The development shall then be completed in accordance with the approved details prior to the first use of the extension, and following that shall be maintained as such.

Reason: To ensure that secure cycle storage 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 6.9 of the London Plan 2015.

- 10 Prior to the first occupation of the units, copies of a Pre-completion Sound Insulation Test Certificate 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). The development shall then be maintained in compliance with the Certificate.

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 October 2016) and the Sustainable Design and Construction 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 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 North Western Reform Synagogue building dates from the 1930s. The original building has been extended a number of times as noted in the site planning history below, and now extends across most of the width of the site as viewed from its main access at the end of Alyth Gardens. Key stages in the evolution of the Synagogue have included the original low building which dates from the mid-1930s, the Leo Baeck Hall which was added as a separate building on the southern part of the site in 1959, and subsequent extensions which have linked the two to make the single building as now existing. The larger part of the building footprint remains as a single storey, rising to two storeys at the rear of the building, while the Leo Baeck Hall is also large two storeys in height, rising to three storeys at the rear, where there is a caretaker flat.

To the front of the building there is an enclosed garden towards the south-western corner of the site, which occupies most the space between the Leo Baeck Hall and 23 Alyth Gardens. There is a small play area associated with an on-site kindergarten to the northern end of this front part of the site, adjacent to 24 Alyth Gardens, with the remainder of the area available for vehicle access and parking. An open railing fence and gate is located across the entrance to the site.

The Hoop Lane Cemetery lies directly to the east (rear) and south of the site, while the northern and front (western) boundaries are formed by a footpath that links the end of Alyth Gardens, running north to Temple Grove and south to the end of Dingwall Gardens and beyond. In addition to 23 and 24 Alyth Gardens the closest residential properties are 15 and 36 Temple Grove and 24 Dingwall Gardens.

Neither the Synagogue nor any of the neighbouring properties are listed, and the site is not within a Conservation Area.

There are two London plane and two horse chestnut trees on the site, which are however not subject to any Tree Protection Order.

Car parking at the site is limited. The site has a PTAL score of 2, and lies within a controlled parking zone.

### **2. Site History**

Reference: C02361C

Decision: Approved subject to conditions

Decision Date: 18.05.1970

Description: Erection of extension of classrooms to existing synagogue

Reference: C02361E

Decision: Approved

Decision Date: 18.08.1970

Description: Revised elevation of classroom previously approved

Reference: C02361F

Decision: Approved subject to conditions

Decision Date: 23.09.1970

Description: Change of Use of room from Sunday School to Kindergarten.

Reference: C02361G

Decision: Approved subject to conditions

Decision Date: 16.12.1970

Description: Formation of youth room over ground floor and additional parking space

Reference: C02361J

Decision: Approved subject to conditions

Decision Date: 29.03.1989

Description: Re-siting of electricity sub-station, single storey side extension, two storey front extension, alterations to roof to include insertion of domed rooflights, alterations to elevations & erection of boundary walls

Reference: C02361L/01

Address: North Western Reform Synagogue, Alyth Gardens, London, NW11 7EN

Decision: Approved subject to conditions

Decision Date: 29 August 2001

Description: Demolition of scout hut and front wing of main building. Erection of single storey side and front extensions, raising height and re-cladding of sanctuary. Front canopy. Re-siting of electricity sub-station. Erection of front boundary walls, railings and gates. External alterations.

Reference: C02361M/03

Address: North Western Reform Synagogue, Alyth Gardens, London, NW11 7EN

Decision: Approved

Decision Date: 9 June 2003

Description: Submission of details of materials pursuant to Condition 2 of planning permission C02361L/01 granted 29.8.01.

### **3. Proposal**

The application seeks permission for a two-storey extension within the area currently occupied by the enclosed garden at the front of the Leo Baeck Hall, with a three storey atrium entrance feature. External refurbishment of the exterior of the Leo Baeck Hall is also intended, in order to architecturally link the extension with the existing building and to improve the external appearance of the building as viewed across the Hoop Lane Cemetery.

A new prayer hall and multiuse space at first floor level would occupy most of the new space within the extension. Internal changes within the existing building are also proposed as part of the project, to improve overall circulation and facilities there. An enlarged reception area would also be provided, with a stair core adjacent to the existing entrance replaced by a new stair and lift within the extension.

The proposed extension would be clad largely in brick, with timber used in a new entrance feature directly in front of the existing entrance. This would be the same height as the existing second floor level flat toward the rear of the building, but would occupy a much small footprint - about 12 sq.m. as compared to approximately 140 sq.m. for the two-



storey element of the extension, as against approximately 1400 sq.m. for the building as existing (ground floor areas only).

The elevation facing 23 Alyth Gardens as shown on the submitted drawings is intended to be clad in anodised metal with vertical standing seams, wrapping around the south-western corner to give a curved feature on this part of the building while also inclining away from number 23 over most of the first floor level. This part of the extension would be largely screened in views along the street in Alyth Gardens by this neighbouring house, but would be visible from the rear amenity areas at this and directly neighbouring properties and from rear facing windows at Dingwall Gardens. While of a generally acceptable appearance as proposed, negotiations are continuing at the time of writing as to whether using the same brick as on the remaining elevations would provide a more appropriate finish.

Two trees would need to be removed adjacent to the western boundary of the site and one tree to the north of the site would also require radical pruning or pollarding. These trees are not protected and furthermore are not of outstandingly high quality, and there is no objection to this aspect of the proposals on grounds of loss of character.

The area available at the front of the building for car parking would remain unchanged. However the proposals including the marking out of six parking bays in this area, five of which are intended for general use and one of which would be wheelchair accessible. New cycle parking would also be provided for staff and visitor use. Servicing and delivery arrangements will remain as existing from Alyth Gardens.

#### **4. Public Consultation**

Consultation letters were sent to 229 neighbouring properties, including 106 initial neighbour letters with the balance sent following neighbour concerns having been raised about the extent of the notification.

43 responses have been received, including 33 letters in support and 10 which raise objections.

The letters of support raise the following issues:

- The proposal has been designed to ensure that the Community has a building fit for current requirements.
- The intention is not to significantly alter the number of visits to the synagogue but rather is to enhance the space inside and the experience of those who use the facilities.
- Walking access is obstructed by growth from the tree trunks in Alyth Gardens and Temple Grove, which is potentially hazardous to pedestrians particularly at night. More attention needs to be given to ensuring that the pedestrian access is clear.
- The proposal will enhance the aesthetic quality of the exterior of the building.
- The wealth of educational programmes for both adults and children, including those with learning and physical difficulties, are an important community use.
- Consideration shown to the local residents has been of paramount importance in formulating the proposals.
- The proposals increase access for wheelchair users and those unable to stand for long periods.

- The new downstairs will improve the look and feel of the building and will help us to host local community groups in a welcoming space.
- The provision of new cycle bays will help us to ensure the wellbeing of our visitors by encouraging more people to cycle.

The letters of objection raise the following issues:

- The proposal is an overdevelopment of the site.
- Any increase in capacity within the synagogue that would result in more staff and visitors would be detrimental in terms of parking and traffic on the adjacent no-through roads. The car parking plans are not sufficient to prevent this.
  - Existing car parking demand is also exacerbated by the nearby Health Centre in Temple Fortune.
  - Car parking demand during the evenings in Alyth Road is heavy and it is difficult for residents to park here, with visitors to the application site taking up residents' spaces and sometimes parking on double yellow lines.
    - Difficult access for emergency vehicles
    - The traffic issues could be mitigated by increasing the current controlled parking times (which are currently from 9.30 a.m. to 6 p.m. on weekdays and 2 p.m. to 6 p.m. on Saturdays), to extend Monday to Saturday controls to 7.30 p.m. and to add a Sunday parking control between 9.30 a.m. and 7.30 p.m.
    - Concerns with impacts of construction vehicles on the road surface at Alyth Gardens.

These issues are considered in sections 5.3 and 5.4 of this report.

The proposed have been advertised by site and press notice dated 30.01.2017 and 31.01.2017 respectively.

## **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 in 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 for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

Policy 3.16 - Protection and enhancement of social infrastructure

Policy 5.2 - Minimising carbon dioxide emissions

Policy 5.3 - Sustainable design and construction

Policy 6.9 - Cycling

Policy 6.10 - Walking

Policy 6.13 - Parking

Policy 7.1 - Lifetime neighbourhoods

Policy 7.2 - An inclusive environment

Policy 7.3 - Designing Out Crime

Policy 7.4 - Local character

Policy 7.5 - Public Realm

Policy 7.6 - Architecture

Policy 7.18 - Protecting open space and addressing deficiency

Policy 7.19 - Biodiversity and access to nature

Policy 8.2 - Planning Obligations

Policy 8.3 - Community Infrastructure Levy

## 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, CS7, CS9, CS10, CS11, CS15.

- Relevant Development Management Policies: DM01, DM02, DM04, DM13, DM17.

The Council's approach to development 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. Policy DM13 generally supports improvements to community facilities providing that they have an acceptable impact on new community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety and that new community or educational uses will be expected to protect the amenity of residential properties.

## 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.

Planning Obligations SPD (adopted 2013)

- Includes detailed guidance on a range of matters that usually require applicants to enter into a section 106 agreement or unilateral obligation, including requirements for Travel Plans.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport; and
  - Building sustainability.

## **5.3 Assessment of proposals**

### Principle of Development

Policy DM13 states that New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

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

The proposals would enhance existing community facilities within the borough and this is supported by policy.

### Character and appearance

The proposed extension would be located towards the front of the southern side of the building as existing. The proposal is a contemporary design that would utilise a similar brick to those used in the original building and in the Leo Baeck Hall. It would be visible mainly in views from the adjacent cemetery, from the site entrance at the end of Alyth Gardens and from rear amenity areas of several adjacent properties in Alyth Gardens and Dingwall Gardens. The taller entrance feature would be fully visible only from the site entrance and the front of the site as the buildings and extension would partially screen it in other views. In longer views, mainly from the adjacent Hoop Lane Cemetery, it would be viewed as a relatively low upper extension to the building, reminiscent of a spire but smaller in scale.

Minor alterations whole largely internal would also include the blocking up of two ground floor window openings on the north-east elevation. A first floor window opening directly above would be replaced by a louvered opening and is intended to serve a new boiler room to be located in what is currently an office.

The extension including the higher entrance are considered to be of an acceptable high quality contemporary design. Together with the proposals to partially reclad the side of the Leo Baeck Hall and rear elevation and to introduce window louvers along the side of this part of the building, the proposals would be complimentary to the existing Synagogue and would enhance both the existing building and its surroundings, resulting in improvements in its appearance as viewed from the Hoop Lane Cemetery and other nearby vantage points. Subject to further details of exterior materials being provided by way of an appropriate condition, the proposals would be acceptable.

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

The application includes a daylight and sunlight assessment of impacts on the residential amenity to the properties closest to the proposed extension, 23 Alyth Gardens and 24 Dingwall Gardens. The assessment identifies that 23 Alyth Gardens could potentially be affected by loss of daylight and sunlight. For that reason, an analysis was carried out in accordance with the Building Research Establishment's *Site layout planning for daylight and sunlight: a guide to good practice* and BS8206 *Lighting for buildings. Code of practice for daylighting*. The assessment shows that there would be a reduction in light to a single window at number 23. However, the room in question is served by several windows, and consequently there would be no material reduction in light levels to this or to any other room.

A condition is recommended to ensure that the rooms within the extension are provided with adequate noise insulation in order to ensure that there is will be disturbance for neighbouring occupiers from the closer proximity of meeting rooms to the adjacent residential properties.

A number of neighbouring residents have objected in regard to impacts of both existing and additional traffic. This is discussed in more detail below in relation to highways issues. Construction impacts would be mitigated by adherence to the Construction Management Plan (CMP) submitted with the application. While some of the details in the CMP relate to health and safety and other requirements on site that would not impact on neighbours, the CMP includes details of management of potential neighbour impacts, including a restriction on hours of work at the site between 8 a.m. and 5 p.m. Mondays to Fridays and 8 a.m. and 1 p.m. on Saturdays. While it is not possible to avoid all impacts of construction for neighbouring residents, it is accepted that these are temporary, and that the provision of a robust CMP strikes an acceptable balance in ensuring that they remain at an acceptable level. Condition 7 would ensure that it is adhered to.

#### Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport

Both Barnet's policy DM13 and London Plan policy 3.16 provide for community facilities to be accessible to be located within easy reach by walking, cycling and public transport. While the site has a relatively low PTAL rating of 2, the site is well served by buses on Finchley Road, the Northern line to Golders Green Station which is approximately 10

minutes' walk from the site. Ten cycles spaces are proposed (five Sheffield stands), and six car parking spaces would be marked out within the site.

While the use of the site is not intended to increase significantly as a result of these proposals, the existing numbers of staff at the site (12 full time and 21 part time) trigger the current threshold as set out in the Planning Obligations SPD for a Local Travel Plan to be provided. applicant has submitted a draft Green Travel Plan to ensure that future traffic impacts are properly managed, and offered to enter into a Section 106 agreement to secure a financial contribution of £5000 towards the monitoring of the Plan. If members support the application, it would be necessary for the applicant to agree to an extension of the timeframe for determining the application to allow the section 106 agreement to be completed before any permission is issued.

Subject to the planning obligation being completed and to conditions as recommended, it is considered that any highways impacts of this proposal will be satisfactorily addressed.

### *Building sustainability*

A Sustainability Statement has been submitted as part of the application, which sets out general measures that would provide a greater level of environmental performance than required under current building regulations. In the event that permission is granted, condition 6 as set out in the recommendation would require further details of these measures to be provided, and would then secure the approved provisions. The Green Travel Plan noted above would also secure a sustainability improvement for the site.

### *Impacts on trees*

The proposal would result in the loss of two trees. The Council Tree Officer has raised no objection, but requested replacement tree planting to be provided. It is noted that space at the site for meaningful planting is limited; nonetheless the recommended landscaping condition would provide for small scale planting which could include some smaller growing tree varieties.

### Conclusion

It is considered that the proposal with the conditions recommended above and the completion of a section Green Travel Plan that the application will provide an attractive addition to the building and its surroundings that will not result in any unacceptable impacts on neighbouring occupiers.

## **5.4 Response to Public Consultation**

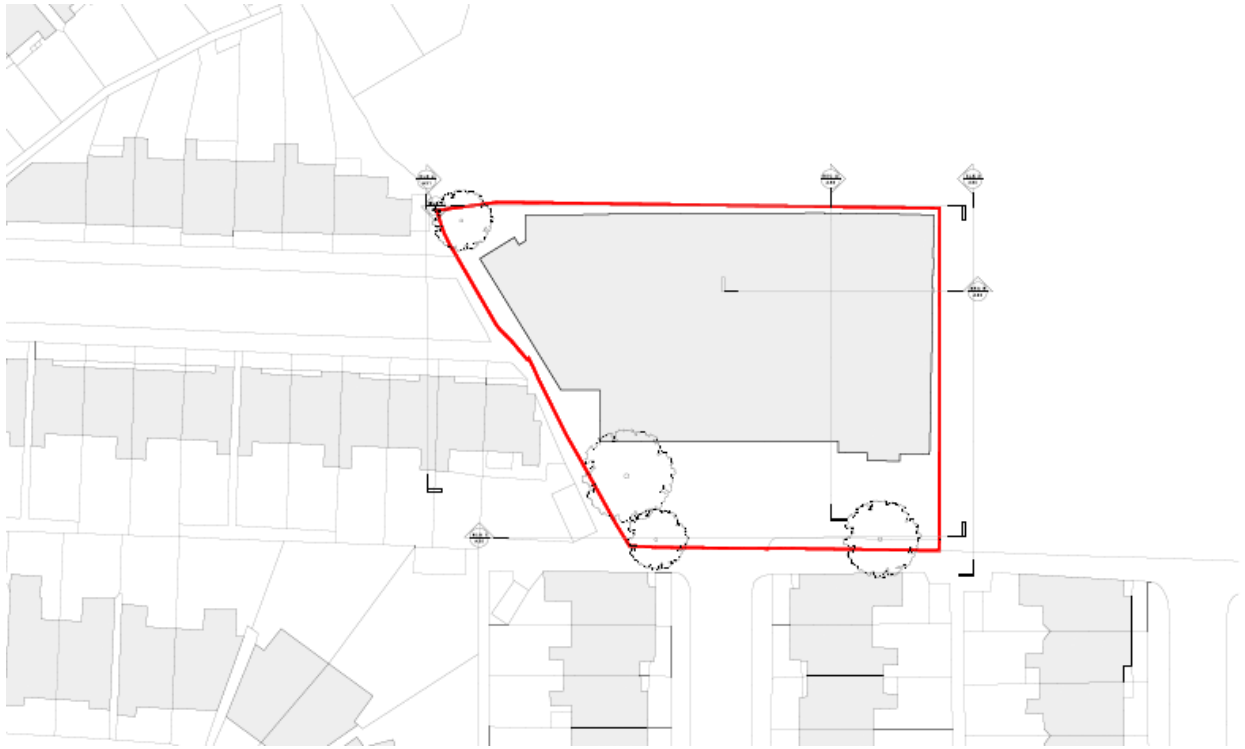
The key issues referred to in neighbour letters are largely concerned with the traffic impacts of the proposals, and are addressed in the above discussion.

## **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 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, subject to conditions.





**Location** 108-112 Regents Park Road London N3 3JG

**Reference:** 16/6950/S73

Received: 28th October 2016

AGENDA ITEM 16

Accepted: 7th November 2016

**Ward:** Finchley Church End

Expiry 2nd January 2017

**Applicant:** Mr Matan Avital

**Proposal:** Variation of conditions 1(Approved Plans), 22 (Car Parking), 24 (Access Layout and Ramp) and 26 (Vehicle Warning System) of planning permission 16/3276/FUL dated 13/07/2016 for 'Demolition of existing building and erection 4 storey building with parking at lower ground level to provide 9no self-contained units. Commercial unit (A3 use) at lower ground level.' Variation to include replacement of ramp with a car lift and to change the wording of conditions 22, 24 and 26 to refer to the car lift instead of the ramp

**Recommendation:** Approve subject to conditions

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

Proposed (received 13/07/16)

? RPR16?PL?224 Rev B

? RPR16?PL?223 Rev B

? RPR16?PL?217?Rev A

? RPR16?PL?218?Rev A

? RPR16?PL?219 Rev A

? RPR16?PL?220 Rev B

? RPR16?PL?221 Rev B

? RPR16?PL?222 Rev B

? RPR16?PL?225 Rev B

? RPR16?PL?226 Rev B

? RPR16?PL?224 Rev B

Existing (received 18/05/16).

? RPR16?PL\_101

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).Enter Text here

- 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 hereby approved have been submitted to and approved in writing by the Local Planning Authority.  
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason:

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

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

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

- 7 Prior to the commencement of the development hereby approved a full scheme of the measures to be to be installed in the development to minimise the transmission of noise between the proposed unit and the first floor accommodation in the existing building shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures approved under this condition shall be implemented and installed in the development in their entirety prior to the first occupation of the new dwelling hereby approved.

Reason:

To safeguard the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

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

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

- 9 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 to be provided at the site, 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 of the development and retained as such thereafter.

Reason:

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

- 10 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).

- 11 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the insertion of windows, rooflights and external doors in the building hereby approved, other than those shown in the approved plans, shall not be undertaken without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

12 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise in the immediate surroundings, 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 commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

14 Before the development hereby permitted commences details of any extraction and ventilation equipment to be installed at the site to replace the existing ventilation and extraction equipment shown to be removed shall be submitted to and approved in writing by the Local Planning Authority. The details submitted under this condition shall include a report by a competent acoustic consultant which clearly sets out and assesses the likely noise impacts from all the ventilation and extraction plant to be installed as part of the development and the mitigation measures proposed to be used to reduce the noise impacts arising from the ventilation and extraction plant to be installed to acceptable levels. Extraction and ventilation equipment and associated mitigation shall be installed at the site in full accordance with the details approved under this condition before the first occupation of the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of the occupiers of the proposed dwellings and neighbouring residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

15 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).

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

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

17 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 plant; as measured within habitable rooms of the development shall be no higher than 30dB(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, and 7.15 of the London Plan 2011.

- 18 The premises shall be used for an A3 unit only and for no other purpose (including any other class 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.

- 19 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

- 20 The retail use hereby permitted shall not be open to customers before 8.00am or after 9.30pm on weekdays, before 9am or after 7pm on Saturdays and before 11am or after 5pm on Sundays.

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

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

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

- 22 Before the development hereby permitted is occupied, car parking should be provided in accordance with submitted drawings RPR16?PL?217?RevC and spaces shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include one space suitable for disable use. The layout shall remain as approved thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies 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.

- 23 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.

- 24 Before development start on site, a scheme showing details of the proposed access layout, including layout and Car Lift for access to car parking area shall be submitted and approved in writing by the Local Planning Authority. The detailed layout shall include a waiting bay within the site on both approaches to the ramp and be retained as approved thereafter.

Reason: To ensure the safe form of access to the development to conform to 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

- 25 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

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

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

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

- 26 Before occupation, a warning system giving preference to vehicles entering the site shall be provided to manage the one way operation of the Car Lift. This system shall be retained thereafter.

Reason: To ensure the safe form of access to the development and to conform to 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.

- 27 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. 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.

- 28 Prior to the occupation of each phases hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On site parking controls
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces
- vi. Electrical Vehicle Charging Points.

The Car Park Management Plan should include details of the proposed monitoring of EVCP and disabled parking spaces, to inform when additional spaces are required to be brought into operation.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 29 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lift must be submitted to and approval by the Local Planning Authority.

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

**Informative(s):**





## **Officer's Assessment**

Officer's Assessment

### **1. Site Description**

The site is situated on Regents Park Road, close to the junction of Henleys Corner.

The site comprised of two A3 units at ground floor level and residential accommodation above. The site is situated in the middle of a small parade of shops and restaurants and neighbouring the site is a petrol filling station.

The site is situated opposite the College Farm Conservation area.

### **2. Site History**

C00743J/07 - Demolition of existing building and erection of basement, ground and three upper floors to accommodate 7No. self-contained flats, A1 shop and A3 restaurant. Provision of parking spaces at basement level. - Approved following legal agreement - 06.09.2007

F/02654/13 - Demolition of existing building and erection of a five-storey building for use 2no A3 restaurant units at ground floor and 25no. units of student accommodation above. -

Refused for following reasons -

1. The applicant has failed to provide any evidence to demonstrate that the proposed use of the property as student accommodation meets an identified need for such housing in this locality in order to support an educational establishment in the London Borough of Barnet or adjoining North London boroughs and as such could result in the over provision of such accommodation; contrary to policy DM09 of the Local Plan Development Management Policies (Adopted) 2012.

2. The proposed student accommodation, by reason of its layout, intensity and design, would fail to provide its future occupiers with an acceptable level of internal space, as a result of a combination of studio size and the limited provision of communal kitchens and living spaces The proposed accommodation therefore does not constitute sustainable development, contrary to policies, contrary to the Councils Adopted Supplementary Planning Document for Sustainable Design (2013) and Development Management Policies DM01, DM02 and DM03 of the adopted Local Plan.

3. The proposed building by reason of its height, bulk, scale, siting and design would be an overly dominant, incongruous addition relative to adjoining properties and the provision of cycle spaces and refuse storage facilities in the front courtyard, in combination with no proposals for soft landscaping and planting, would result in material harm to the visual amenities and residential character of the locality and streetscene, contrary to Adopted (2012) Core Strategy Policies CS1 and CS5 and Adopted (2012) Development Management Policy DM01.

4. The development would require a Unilateral Undertaking/Section 106 Agreement and no formal undertaking is given to the Council adequately restrict the use of the accommodation to that for students; contrary to Policy DM02 of the Local Plan Development Management (Adopted) 2012.

5. Insufficient car parking is provided which is likely to lead to conditions detrimental to the free flow of traffic and highway and pedestrian safety contrary to Policy CS9 of the Local Plan Core Strategy (Adopted) 2012; and Policy DM17 of the Local Plan Development Management Policies (Adopted) 2012.

This was subsequently dismissed at appeal on 27/05/2014.

15/04020/FUL - Change of use from A1 and A3 Class (retail and restaurant or cafe) to A3 (restaurant or cafe). Part single part two storey rear extension. Erection of single storey outbuilding to rear. Construction of new 3rd floor with pitched roof above including 2 no. rear dormers and 5 no. rooflights to facilitate loft conversion. External alterations to front elevation. Refused - 26.08.2015.

This was subsequently dismissed at appeal on 10.10.2016.

### **3. Proposal**

The application seeks permission for the Variation of conditions 1(Approved Plans), 22 (Car Parking), 24 (Access Layout and Ramp) and 26 (Vehicle Warning System) of planning permission 16/3276/FUL dated 13/07/2016 for 'Demolition of existing building and erection 4 storey building with parking at lower ground level to provide 9no self-contained units. Commercial unit (A3 use) at lower ground level.' Variation to include replacement of ramp with a car lift and to change the wording of conditions 22, 24 and 26 to refer to the car lift instead of the ramp.

No other amendments are proposed to the approved scheme.

### **4. Public Consultation**

Consultation letters were sent to 101 neighbouring properties. 6no objections have been received, and these can be summarised as follows:

- Concern that the applicant is planning a larger commercial premises
- Concerns with the site being used for storage which relate to other businesses and the associated noise.
- Concerns related to parking pressures.
- Increase in nuisance from the site.
- Parking and overdevelopment have been an issue in relation to the delivery of the site for a number of years.
- Concern that this development is required to facilitate a greater intensity commercial use.
- Unfair to local residents.

Highways Department - Change from a ramp to a car lift is acceptable subject to added condition to ensure a maintenance agreement is put in place for the lift.

### **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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. The Mayor's Housing Supplementary Planning Guidance (2016) provides guidance on how to implement the housing policies in the London Plan.

#### Barnet's Local Plan (2012)

##### Barnet's Local Plan (2012)

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

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM06, DM08, 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.

Residential Design Guidance SPD (adopted April 2013).

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of the amendments proposed are considered to be acceptable and are minor material amendments.
- Whether the proposals would harm neighbouring amenity
- Whether the proposals would harmfully impact highway or pedestrian safety

### **5.3 Assessment of proposals.**

The principle of development has been established by the approved scheme under application reference 16/3276/FUL. Taking this into account, this report will focus on the planning merits of the changes which the applicant considers to be minor material amendments. The application seeks amendments to conditions 1, 22 ,24 and to refer to

the car ramp which they now are proposed. Previously a ramp would have been installed to allow access to the lower ground floor parking.

#### Impact on residential amenity

The application proposes to construct a car lift which would be accessed from Regents Park Road. A number of comments have been received which express residents concerns with the proposed reason for the car lift, as opposed to the ramp. Residents have expressed concern that as a result of this application, there will be an increase to the intensity of the commercial use of the site.

It must be considered that **there is no increase to the approved commercial floorspace under application reference 16/3276/FUL.**

Planning permission granted under application reference 16/3276/FUL gave permission for a commercial A3 premises at the ground floor of the new premises with storage for that commercial use at the ground floor level. No changes are proposed to the commercial floorspace of this development as a result of this application. Specifically this application seeks permission for the installation of the car lift.

Taking this into account, it is considered that the planning merits of the commercial use at the site which were granted permission under application 16/3276/FUL have not changed. A condition was added to that permission as Condition 18 which outlined the following:

'18 The premises shall be used for an A3 unit only and for no other purpose (including any other class 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.'

The A3 (restaurants and cafes) use class gives permission for the space to be used for the sale of food and drink for consumption on the premises. Any deviation from this use would require planning permission, or the development would be in breach of Condition 18. Taking this into account, whilst the concerns of the residents are acknowledged, it is not considered that this application significantly alters the development proposed and approved under application reference 16/3276/FUL. Condition 18 will be retained as a condition of this application. There would not be harmful noise and disturbance resulting from the car lift above the approved ramp.

In relation to the design and appearance of the car lift, it is considered to be unobtrusive and would not have a significant impact on the residential amenity of neighbours.

#### Impact on highway and pedestrian safety and the free flow of traffic

Concerns have been submitted in relation to the impact that the proposed car lift would have on parking and congestion.

The parking provision which was considered acceptable under application 16/3276/FUL has not been altered. The Highways Team have been consulted and considered that the proposed car lift would be an acceptable amendment. They have outlined that an additional condition will be required to ensure that maintenance agreement for the car lift is

submitted prior to the occupation of the development. This condition is set out in the conditions section of this report.

Taking into account this proposal does not result in any change in the parking requirement of the development or the parking provision, it is considered that the proposed amendment to include a car lift instead of a ramp would not have a significant impact on the public highway.

Taking the above assessment into account, it is considered that the proposed amendments are acceptable.

#### **5.4 Response to Public Consultation**

Concerns raised in objections to this application have been addressed in the 'Assessment of Proposals' section 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 the compliance of the attached conditions, the proposed car lift would have an acceptable impact on the residential amenity of neighbours and on highway safety. This application is therefore recommended for approval.



This page is intentionally left blank