

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 19TH JULY, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

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

Councillor Arjun Mitra
Alan Schneiderman

Councillor Melvin Cohen
Councillor Shimon Ryde

Councillor Jim Tierney

Substitute Members

Councillor Ross Houston
Councillor Reuben
Thompstone
Councillor Gabriel Rozenberg

Councillor Graham Old
Councillor Anne Hutton

Councillor Jack Cohen
Councillor Alon Or-bach

Please note the order of the items on the agenda may not reflect the order the 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@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 - 14
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Planning Enforcement Quarterly Update April 2017 to June 2017	15 - 22
6.	Addendum (if applicable)	
	Childs Hill	
7.	78 Crewys Road NW2 2AD - 17/2300/FUL	23 - 32
8.	24 Oak Grove London NW2 3LP - 17/0793/FUL	33 - 48
9.	129 The Vale London NW11 8TL - 17/2340/FUL	49 - 68
10.	1A Pattison Road London NW2 2HL - 17/0884/FUL	69 - 90
11.	504 Finchley Road - 17/226/FUL	91 - 98
	Garden Suburb	
12.	North Western Reform Synagogue - 17/0369/FUL	99 - 116
13.	Bute Mews London NW11 6EQ - 16/8188/FUL	117 - 152
14.	1069 Finchley Road London NW11 0PU - 17/2924/CON	153 - 160
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15.	69 Friern Watch Avenue London N12 9NY - 17/0490/HSE	161 - 170

	Golders Green	
16.	18 St Johns Road London NW11 0PG - 17/2629/FUL	171 - 186
17.	24 Montpelier Rise London NW11 9DS - 17/2021/FUL	187 - 200
18.	Windsor Open Space on 49 Broughton Avenue - TPP/0360/17	201 - 214
19.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

14 June 2017

Members Present:-

AGENDA ITEM 1

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

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

Apologies for lateness:
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

RESOLVED – That the minutes of the meeting held on the 9th May 2017 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Councillor Mitra declared a non-pecuniary interest in relation to item 6 and 7 – The Sternberg Centre, by virtue of one of the speakers being a previous customer of his mother.

Councillor Melvin Cohen declared a non-pecuniary interest in regard to 18 Clifton Gardens, by virtue of the development being next to his firm's car park.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the Addendum.

6. BIG SITE ALLOTMENTS NW11 - TPF/O183/17

The Planning Officer introduced the report.

The Planning Officer noted that there was an error in the addendum and that 205 objections had been rather than 204.

An oral representation was made in objection to the item by Mr Tony Chilchick.

An oral representation was made in objection to the item by Mr Julian Glaser.

Following discussion of the item, the Chairman moved to the recommendation in the report, which was to refuse the application due to the loss of the tree.

The votes were recorded as follows:

For 6
Against 0
Abstain 0

- Councillor Schneiderman was absent from the vote due to lateness and entering after discussion of the item had commenced.

The Committee therefore RESOLVED to REFUSE the application as per the Officers report.

7. FLAT 8 ULLSWATER COURT 92 HOLDERS HILL ROAD - 16/7639/CON

7. FLAT 8 ULLSWATER COURT 92 HOLDERS HILL ROAD - 16/7639/CON

The Planning Officer introduced the report.

The Environmental Health Officer discussed the application.

An oral representation was made in objection to the item by Franklin Dannenberg.

An oral representation was made in objection to the item by Alan Grahame.

An oral representation was made by Councillor Old, the Ward Councillor in objection to the item.

Following discussion the Chairman moved the motion to refuse the application. This was seconded by Councillor Mitra. The reasons given for refusal were as follows:

- The details of landscaping and boundary treatment would be contrary to the character and appearance of the streetscene and general locality and would also be contrary to policies DM01 of the Development Management Policies and CS5 of the Core Strategy,

Votes on the motion to refuse were recorded as follows:

For 6
Against 1
Abstain 0

The Committee therefore RESOLVED to REFUSE the application as per the reasons set out above.

8. BRONDESBURY CRICKET AND SQUASH CLUB 5A HARMAN DRIVE - 17/0239/FUL

The Planning Officer introduced the report.

An oral representation was made in objection to the item by Mr Dan Coppel.

An oral representation was made in objection to the item by Ms Anne Linton.

An oral representation was made by the applicant Mr Edward Ben-Nathan.

Following discussion of the item, Councillor Ryde moved the motion to defer the application in order to allow the applicant to prepare a management plan showing how the tennis court would be managed to prevent harm to neighbouring amenity. The motion was seconded by the Chairman.

The votes for the motion to defer the item were recorded as follows:

For 7
Against 0
Abstain 0

The Committee therefore RESOLVED to DEFER the item to a future meeting

9. 939 HIGH ROAD N12 8QR - 17/0947/HSE

The Planning Officer introduced the report.

An oral representation was made in objection to the item by Mrs Byrne.

An oral representation was made in objection to the item by a resident,

An oral representation was made by a representative for the applicant Mr Alex Atkinson.

Following discussion of the item, the Chairman moved to the recommendations set out in the Officers report, to approve the application subject to conditions.

For 3
Against 4
Abstain 0

The reasons for refusal were as follows:

The proposed extension would result in harmful loss of visual amenity due to loss of outlook to neighbouring residential occupiers. The proposal would be contrary to policy DM01 of the Development Management Policies.

The Committee therefore RESOLVED to REFUSE the application for the reasons outlined above.

10. 1A PATTISON ROAD NW2 2HL - 17/0884/FUL

The Planning Officer introduced the report.

An oral representation was made in objection to the application by Mr Gelley on behalf of Mrs Gelley.

Following discussion of the item, Councillor Marshall moved a motion that the item be deferred to the next meeting to allow officers to visit neighbouring residents at 404-406 Finchley Road to look at the impact of the proposals on these residents. The motion was seconded by the Chairman.

The votes for the motion to defer the item were recorded as follows:

For 6
Against 1
Abstain 0

The Committee therefore RESOLVED to DEFER the item until the next meeting.

11. THE STERNBERG CENTRE FOR JUDAISM 80 EAST END ROAD - 16/2455/FUL - AGENDA ITEM 6

The Planning Officer introduced the application, which related to The Sternberg Centre.

An oral representation in objection to the application was heard by Dr Kim Bryan.

An oral representation in objection to the application was heard from Sue Liu.

An oral representation was made on behalf of the applicant by Mr Daniel Rozenvelder.

Following discussion of the item, the Committee agreed to add the following additional conditions to the application:

- 1) 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.
- 2) 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.
- 3) 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.

The Chairman moved to the recommendation in the cover report, which was to approve subject to conditions set out in the report and the additional conditions outlined above. Votes were recorded as follows:

For 5
Against 1
Abstain 0

- Councillor Mitra was absent from this vote due to his declaration of interest relating to this item.

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer's report.

12. THE STERNBERG CENTRE FOR JUDAISM - 16/2456/LBC - AGENDA ITEM 7

An oral representation in objection to the application was heard from Sue Liu.

An oral representation was made on behalf of the applicant by Mr Daniel Rozenvelder.

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

For 5
Against 1
Abstain 0

- Councillor Mitra was absent from this vote due to his declaration of interest relating to this item.

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer's report.

13. 15 REDBOURNE AVENUE GROUND FLOOR FLAT - 17/2320/FUL - AGENDA ITEM 14

The Planning Officer introduced the report.

An oral representation was made in objection to the item by Mr Chris Wilson.

Following discussion of the item, the Chairman moved to the recommendation in the cover report to approve the application subject to the conditions set out in the report:

For 4
Against 3
Abstain 0

The Committee therefore RESOLVED to APPROVE the application subject to the conditions set out as per the Officers report.

14. THE AVENUE TENNIS CLUB THE AVENUE N3 2LE - AGENDA ITEM 8

The Planning Officer introduced the report, which related to Avenue Tennis Club.

An oral representation was made by the applicant Patricia Moore.

Following discussion of the item, the Chairman moved to the recommendations in the cover report, which were to approve subject to the conditions set out in the report.

Votes were recorded as follows:

For 7
Against 0
Abstain 0

The Committee therefore RESOLVED to APPROVE the application, subject to the conditions as per the officer's report.

15. 18 CLIFTON GARDENS NW11 7EL - 17/0998/FUL - AGENDA ITEM 16

The Planning Officer introduced the report.

An oral representation was made in objection to the item by Judy Berman.

An oral representation was made in objection to the item by Adrian Press.

An oral representation was made in objection to the item by Nick Ferguson representing the applicant.

Following discussion of the item the Committee agreed to add the following additional conditions to the application:

- 1) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 2) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

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

Before the development hereby permitted is occupied details of proposed landscaping to screen the proposed parking spaces shall be submitted to and approved in writing by the local planning authority. b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

Reason: To ensure a satisfactory appearance to the development and protect neighbouring amenity 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.

The Chairman moved to the recommendations in the cover report which were to approve subject to conditions and the additional conditions outlined above.

Votes were recorded as follows:

For 2
Against 2
Abstain 2

The Chairman used her casting vote to approve the application.

*Councillor Cohen was absent from the vote due to his declaration of interest outlined above.

The Committee RESOLVED to APPROVE the application, subject to the conditions as the officer's report.

16. 69 FRIERN WATCH AVENUE N12 9NY - 17/0490/HSE - AGENDA ITEM 17

The Planning Officer introduced the report.

An oral representation was made in objection to the item by Mr Jan Piechowicz.

Following discussion of the item Councillor Schneiderman moved the motion to defer the item until after a site visit has taken place. The motion was seconded by Councillor Mittra.

The votes on the motion to defer the item were as follows:

For 4
Against 1
Abstain 2

The Committee therefore RESOLVED to DEFER the item to the next meeting.

17. STANHOPE COURT 53-55 STANHOPE ROAD - 17/1586/FUL - AGENDA ITEM 19

The Planning Officer introduced the report.

An oral representation was made in objection to the item by Mr Richard Ross.

Following discussion of the item, the Chairman moved to the recommendations to approve the application subject to the conditions outlined in the cover report. The votes were recorded as follows:

For 5
Against 2

Abstain 0

The Committee therefore RESOLVED to APPROVE the item subject to the conditions as per the Officer's report.

18. 3 CARLTON CLOSE NW3 7UA - 16/0325/HSE - AGENDA ITEM 11

The Planning Officer introduced the report.

An oral representation was made in objection to the item by the applicants agent.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the report subject to the conditions set out in the report.

The votes were recorded as follows:

For 5
Against 1
Abstain 1

The Committee therefore RESOLVED to APPROVE the application.

19. LAND REAR OF 123-131 EAST END ROAD N2 0SZ - 17/1732/CON - AGENDA ITEM 20

The Planning Officer introduced the report.

An oral representation was made in objection to the item by Mr Alan Crossan.

Following discussion of the item, the Committee agreed to add the following additional conditions to the application:

To amend the plan informative for Tree Retention and Protection Plan Received 14/06/17;

Discharge of permission condition 18a and 18b. BS5837 Tree Survey, Tree Constraints & Tree Protection for proposed development (Received 14/06/2017)

The Chairman moved to the recommendation to approve the item subject to the conditions as per the Officer's report.

Votes were recorded as follows:

For 5
Against 2
Abstain 0

The Committee therefore RESOLVED to APPROVE the application.

20. 78 CREWYS ROAD NW2 2AD - 17/2300/FUL - AGENDA ITEM 12

The item was deferred by Officers before the meeting.

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

None.

The meeting finished at 9.15pm.

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	<p>Finchley And Golders Green Planning Committee</p> <p>19th July 2017</p>
<p>Title</p>	<p>Planning Enforcement Quarterly Update April 2017 to June 2017</p>
<p>Report of</p>	<p>Head of Development Management</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>None</p>
<p>Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

<h3>Summary</h3>
<p>The report provides an overview of the planning enforcement function in the period between April 2017 and June 2017.</p>

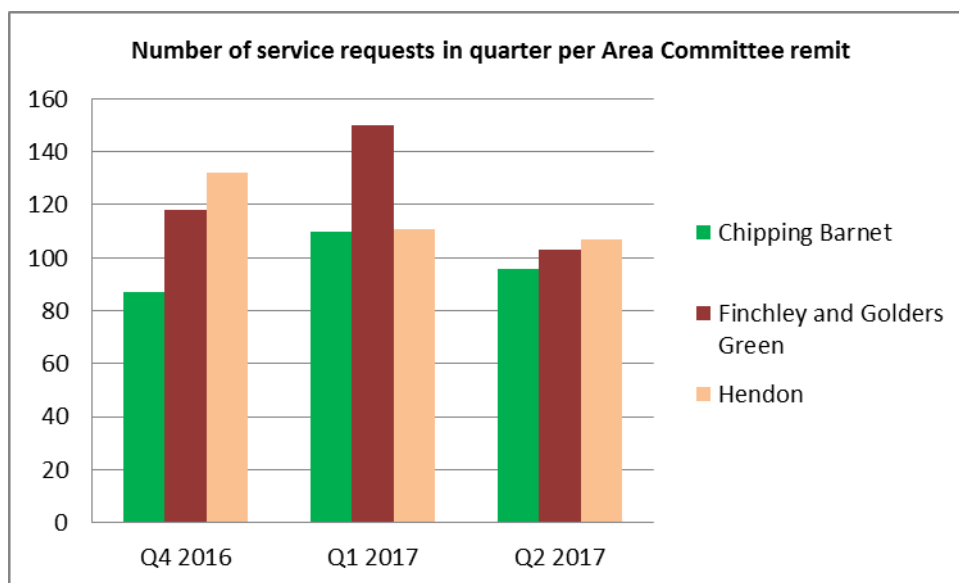
<h3>Recommendation</h3>
<p>1. That the Committee note the Planning Enforcement Quarterly Update for the period of April 2017 to June 2017.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issues which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of April to June 2017.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.

1.3 Number of service requests

In the period between April and June 2017, 306 service requests were received, alleging potential breaches of planning control which is the lowest number of request since the summer (337 in Q4 of 2016 and 371 in Q1 of 2017). As with previous quarters, the number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet			
Ward	Q2 2017	Q1 2017	Q4
Brunswick Park	14	8	17
Coppetts	9	20	12
East Barnet	16	20	8
High Barnet	13	24	14
Oakleigh	13	11	15
Totteridge	18	17	13
Underhill	13	10	8

Finchley and Golders Green			
Ward	Q2 2017	Q1 2017	Q4
Childs Hill	30	47	36
East Finchley	10	7	9
Finchley Church End	12	20	10
Golders Green	17	19	20
Garden Suburb	8	18	11
West Finchley	12	12	13
Woodhouse	14	27	19

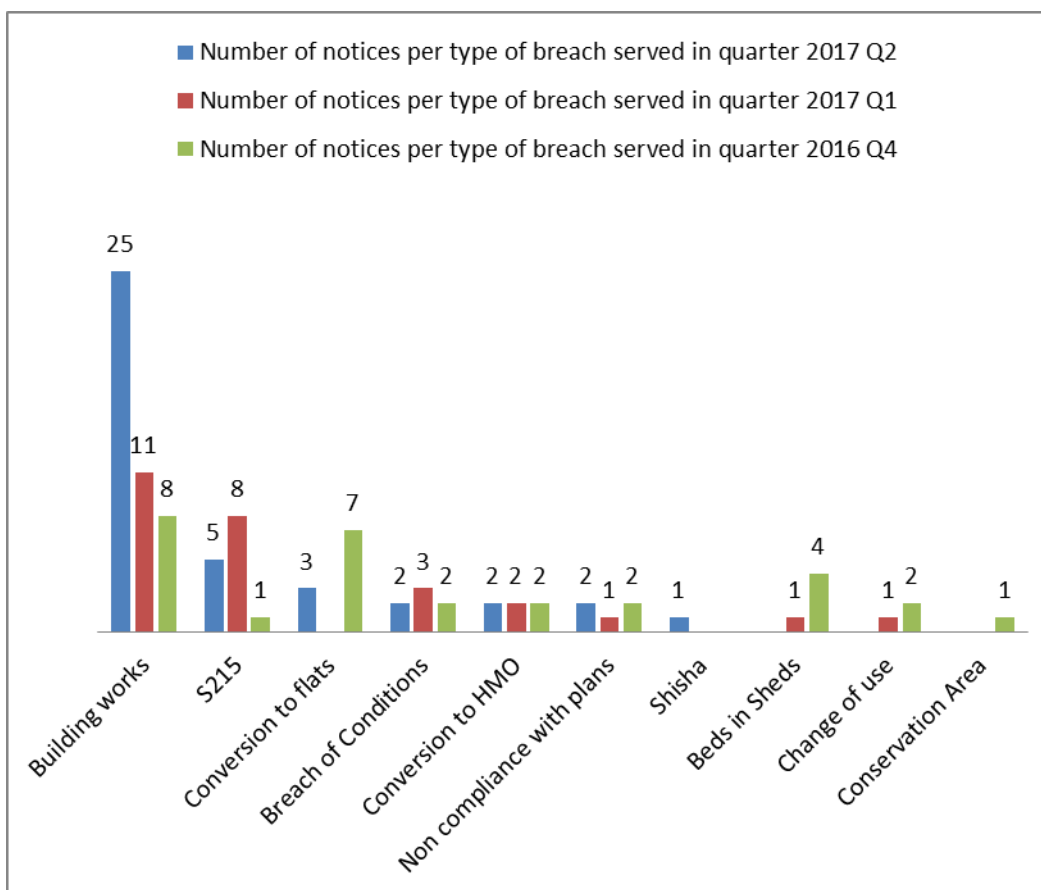
Hendon			
Ward	Q2 2017	Q1 2017	Q4
Burnt Oak	13	12	12
Colindale	6	4	8
Edgware	13	17	18
Hale	16	18	15
Hendon	12	26	27
Mill Hill	22	21	25
West Hendon	16	13	27

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

1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve one, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also, when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.5 shows details of such cases resolved in the last quarter.

In the last quarter, 40 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from the 30 notices served in the previous quarter. Notices relating to building works continue to constitute the most common type of notices served across the Borough.



1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between April and June 2017

	Number of cases closed Q1 2017	Number of cases closed Q1 2017	Number of cases closed Q4 2016
Full compliance following serving of enforcement notice	18	11	19
Informal compliance Works carried out and/or use ceased with breach resolved informally	82	42	76
Lawful development No breach of planning control was identified following investigation	254	167	130
Breach detected but harm insufficient to justify enforcement action	61	22	51
Total	415	242	276

The number of completed investigations has significantly increased quarter on quarter and this is reflective of the additional capacity in the Planning Enforcement Team as officers are able to review older, less urgent cases and close more cases than are received.

1.6 Direct Action

Between 24 June and 1 July the Council undertook three direct actions. In each occasion land was cleared of waste and overgrowth by Greenspaces contractors appointed by planning officers. It is hoped that these actions will mark the start of an enduring and successful relationship between the two services.

The three initial sites were 6 Gaydon Lane, NW9; 44 Alverstone Avenue, EN4; and land adjacent 2 Birley Road, N20. Although the actions did not go entirely without incident officers are happy with the results of the work.

Where direct action is taken the costs in so-doing can be claimed against the owner of the land. How the debt if enforced is discretionary and can be recouped in a number of ways, the choice of method depending on relevant circumstances.

1.7 Notable cases updates

Finchley and Golders Green

A District judge has determined that the owner of 42 Clifton Gardens, NW11 deceived the council in relation to the use of this property. This is the first type of this case that the Council has pursued and one of the first in the country. The LPA is now able to serve a notice outside of the normal immunity period for a breach of planning control on the grounds of the deception.

The Council has agreed that the landlord of 11 Quantock Gardens, NW2 should be able to sell a property that had previously been the subject of a restraint order in order to fund the £555,954 owed under the Proceeds of Crime Act (POCA). The landlord had previously paid the first instalment of £212,000. The total bill to the landlord once POCA, costs and fine and calculated was approximately £³/₄ million

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 279 Golders Green Road are continuing through the Court systems. The Council is pursuing Proceeds of Crime in relation to each. Convictions have been obtained in respect of the first two cases with a trial for the third scheduled for mid-August.

The Council is pursuing POCA in relation to a property on Hendon Way where the owner failed to attend Court to answer charges put to him. The Act allows

public authorities to pursue defendants who are believed to have absconded from justice.

The Prayle Grove court appeal hearing began 18 April. The council has been challenged over its decision to serve a notice under s.215 of the Town and Country Planning Act demanding that the empty property be made more presentable. A judgment is expected in late July / early August.

The High Court injunction case concerning Pentland Close continues. The defendant, who has previously been imprisoned for continuing to store waste and materials at his house, failed/was unable to attend a hearing at the Royal Courts of Justice. The case has been adjourned until early August. The Council is requesting that the defendant serve a further term of imprisonment.

Hendon

Officers have obtained a warrant to force entry into an outbuilding they suspect to be in dwelling use. On previous, announced, visits officers formed the impression that it was likely that cooking facilities had been temporarily stripped out to disguise the everyday use of the building as a dwelling.

A planning enforcement notice was served against a structure in Burnt Oak noted as 'being of concern' by the Metropolitan Police Service.

Chipping Barnet

An enforcement notice served in respect of the use of a shop in Lytton Road, EN5 as a gym has been upheld on appeal. The notice had alleged that the noise of the activity and the long hours of operation caused undue noise and disturbance to nearby residents.

Unfortunately appeals were lost by the Council in respect of 'Boyden's Café', Potters Road, EN5 and 'Fairlawn', 11 Capel Road, EN4. In both cases the Council was defending committee decisions that had resulted in enforcement notices being served.

Borough-wide

A further seven recommendations for prosecutions were made to HB public law in June. A key issue relates to the display of large advertisements atop domestic vehicles parked at prominent points on the public highway. The trend for this type of opportunistic advertising appears to be on the rise with incidents seen throughout the borough.

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

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

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 None

Location **78 Crewys Road London NW2 2AD**

Reference: **17/2300/FUL**

Received: 7th April 2017

Accepted: 7th April 2017

Ward: Childs Hill

Expiry 2nd June 2017

Applicant: Tango Properties Limited

Proposal: Conversion of existing 6no bedroom HMO to provide 7no bedroom HMO following extension to roof including 1no rear dormer window, 3no. rooflights to front elevation

AGENDA ITEM 7

Recommendation: Approve subject to conditions and that for the Committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

PL-000 Rev A (received 07/04/2017)
PL-001 Rev A (received 07/04/2017)
PL-002 Rev B (received 07/04/2017)
PL-003 Rev B (received 07/04/2017)
Site Location Plan (received 07/04/2017)

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

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

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

5 The maximum number of occupants within the property shall at no point exceed 7.

Reason: To ensure that the proposed development does not prejudice the character and residential amenity of the surrounding area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

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

2 The applicant is advised that an HMO licence is likely to be required under the Housing Act 2004, either under mandatory or additional licensing requirements. Further information on HMOs and the Council's HMO Standards 2016 can be found on the Council's website:

<https://www.barnet.gov.uk/citizen-home/housing-and-community/private-housing/landlords/houses-multiple-occupation.html>

Officer's Assessment

1. Site Description

The application site consists of a two storey terraced dwelling located at No.78 Crewys Road. The property shares a party wall with the neighbouring premises at No.76 and No.80 Crewys Road.

The site is situated within a predominately residential area.

It is noted that the property is currently a 6 unit HMO and benefits from a Certificate of Lawfulness with reference 15/05217/192.

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

2. Site History

Reference: 15/05217/192

Address: 78 Crewys Road, London, NW2 2AD

Decision: Lawful

Decision Date: 9 October 2015

Description: Change of use from single family dwelling to HMO

Reference: 15/05218/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Withdrawn

Decision Date: 13 October 2015

Description: Rear dormer and 1no. rooflight to front to facilitate change of use from single family dwelling to 7 unit HMO

Reference: 16/7563/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Withdrawn

Decision Date: 17 February 2017

Description: Extension to existing 6no bedroom HMO to 7no Bedroom HMO. Roof extension involving rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion

Reference: 17/1275/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Approved subject to conditions

Decision Date: 6 April 2017

Description: Demolition of single storey rear extensions and erection of single storey rear extension for existing HMO (retrospective application).

3. Proposal

The application seeks to convert the existing HMO from a 6 bedroom unit to a 7 bedroom unit. The additional room would be provided following a loft conversion. The loft conversion would in turn consist of 1no rear dormer and 3no roof lights to the front elevation.

The dormer window would measure 1.5 metres in height, 2.9 metres in width, and 2.2 metres in depth.

4. Public Consultation

Consultation letters were sent to 71 neighbouring properties.
24 responses have been received, comprising 24 letters of objection

The objections received can be summarised as follows:

- Increase from 6 to 7 bed HMO.
- Impact on neighbouring amenity.
- Noise.
- Impact on traffic and stress on parking.
- Overdevelopment / Density.
- Impact on waste and recycling.
- Antisocial behaviour.
- Condition of the building.

Internal Consultation

Environmental Health HMO - No comments have been received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM09, 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 (October 2016)

A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms. From 29 May 2016 an Article 4 Direction was introduced to remove the permitted development rights to convert a dwelling house (Use Class C4) into a small HMO (Use Class C4). Larger HMO are properties occupied by more than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission. Policy DM09 of the Local Plan explains Barnet's policy on Houses in Multiple Occupation. HMO's may require licensing under the Housing Act and Environmental Health Act.

Sustainable Design and Construction SPD (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 harm would be caused to the living conditions of future occupiers with regards to HMO Standards.
- Impact on Highways.

5.3 Assessment of proposals

Principle of development

It is noted that the property has been previously converted into a HMO of 6 units. Three en-suite bedrooms and the kitchen are located at ground floor whilst two en-suite bedrooms and one single bedroom are located at first floor. All 6 units benefit from bathrooms.

The proposal seeks planning permission for an additional unit in order to convert the property from 6 to 7 bedrooms. In order to enable the additional room, a rear dormer extension has been proposed.

In assessing the principle of HMOs, Policy DM09 states that the Council will seek to retain existing HMO provided they meet an identified housing need. Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

As already mentioned, the property benefits from a Certificate of Lawfulness dated 2015, for the change of use from a single family dwelling to HMO. The VOA council tax bands confirm that the property benefits from 6 units. As this application was implemented, the Planning Authority therefore considers that site to be in lawful use. The application seeks to deliver an additional unit for the HMO, it is therefore not considered to conflict with Policy DM09.

It should be noted that a change from 6 to 7 HMO units would not necessarily be a material change of use requiring planning permission. In the view of officers, given the additional kitchen accommodation and the fact that the area is predominantly characterised by single family dwellings, the change would be material and require planning permission.

Impact on character following loft conversion

Paragraph 14.33 of the Council's Residential Design Guidance (SPD) states that dormer extensions should appear as subordinate features towards the original property. The extensions should generally not exceed half the width or half the depth of the original roof slope. In this instance it is considered that the proposed dormer would comply with the Council's Design Guidance and would not impact on the character of the property.

It is noted that a considerable number of properties along Crewys Road, including the neighbouring property at No.76 Crewys Road, benefit from larger rear dormer extensions. As such, it is considered that this element of the proposal would be in keeping with the character and appearance of the local area. Furthermore, a moderate dormer such as the one proposed, is not considered to harmfully impact on the visual or residential amenities of neighbouring occupiers as it would not appear overbearing and obtrusive.

It should be noted that there would be an argument that a dormer would be permitted development, as use class C4 benefits from permitted development rights. However, in the view of the LPA, the use would fall outside C4 and therefore require planning permission.

Impact on neighbouring residents and future occupiers

In terms of accessibility, the site is located within a PTAL of 3 which is considered of medium accessibility. However, there are higher areas of accessibility in close proximity to the site. The town centre of Golders Green is approximately 1km from the application site. It is noted that there are a number of bus stops to the south of Crewys Road on Cricklewood Lane and Finchley Road with direct connections to central London. There are also good opportunities for cycling and walking. The site is therefore considered to be easily accessible.

In terms of amenity for future occupiers, the Council has produced HMO Standards 2016 which requires the following room standards when the kitchen is in a separate room:

1 person household: 10sqm

2 person household: 14sqm

It is considered that the proposed additional room within the loft would comply with the above standards as it would measure 12.0 square metres in area. The room would benefit from 2no roof lights to the front elevation and 1no window to the rear elevation serving the bathroom. The bathroom would in turn measure 3.0 square metres in area. Overall, it is considered that the proposed unit would benefit from adequate outlook and ventilation. The proposed room would also be the largest accommodation within the HMO. As such, it is not considered that the proposal would harmfully impact on the living amenities of future occupiers.

The proposed room would not benefit from direct access to outdoor amenity spaces to the rear of the property. As such, it is considered that the future occupiers would not substantially increase noise levels and would not harmfully impact on the living standards of the neighbouring occupiers at No.76 and No.80 Crewys Road.

A smaller shared kitchen has also been provided within the loft. The kitchen unit would measure 7.5 square metres in area and benefit from one set of kitchen facilities. Paragraph 4.2.1 of the Adopted Standards for HMO (2016) states that where kitchen units are proposed for communal use the floor area should not be less than 6 square metres. It is therefore considered that the proposed kitchen would meet the required standards. The additional kitchen is also considered to positively contribute to the internal living amenities of the existing HMO as it will alleviate the use of the main kitchen at ground floor.

The existing property benefits from 6 bedroom units. On balance, the increase to 7 units is not considered to harmfully impact on the amenities of existing and future occupiers as well as neighbouring occupiers. The proposal meets the standards requirements for HMO's and the additional kitchen would positively provide further internal amenity space. It is therefore considered that, on balance, the proposal would not be an overdevelopment of the property.

Concerns have been directed towards the potential increase in waste due to the additional unit. Whilst it is acknowledged that an additional room would automatically increase waste to a certain degree, it is not considered that this would be excessive and to the detriment of the HMO occupiers or neighbouring occupiers. Nevertheless, a condition has been attached to the application in order to ensure that details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins would be provided.

Impact on Highways

Further concerns have also been raised with regards to the impact on traffic and stress on parking spaces. The proposed increase in bedroom units is not considered to be so great as to harmfully impact on the traffic and on-street parking. Whilst it is acknowledged that the Crewys Road is already a fairly stressed road, it is not considered that a materially higher demand for parking would result from the proposed development. As per above, the property is located within close proximity to a town centre, and thus benefitting from numerous transportation links. It is therefore considered on this basis that the application is acceptable on highway grounds.

Overall, it is considered that the proposed development would meet the requirements of policy DM01 and DM09. The additional bedroom is not considered to harmfully impact on the existing, future, and neighbouring occupiers.

With regards to the proposed loft conversion, it is considered that the proposed dormer extension, due to the size and siting, would be in keeping with the character of the local area and would not appear obtrusive or overbearing, to the detriment of the visual and residential amenities of neighbouring occupiers.

The application is therefore recommended for approval subject to conditions.

5.4 Response to Public Consultation

Concerns raised throughout the public consultation have been addressed in the report. Given the compliance with HMO Standards, and the provision of one additional kitchen unit, on balance, it is not considered that the proposal would be an intensification of the use of the property, to the detriment of the neighbouring occupiers.

In terms of increase in noise, as per the above assessment, it is not considered that the additional room would not substantially increase noise levels to the detriment of neighbouring occupiers. The proposed room would not benefit from access to the rear of the property.

With regards to an increase in waste, a condition has been attached to ensure that details of enclosures and for the storage of recycling containers and wheeled refuse bins would be provided. This will ensure a satisfactory appearance for the development and satisfactory accessibility to the property as well as to protect the amenities of the area.

Concerns relating to antisocial behaviour and untidy land should be direct to the Police and Planning Enforcement Departments respectively.

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 a detrimental impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on

the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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

Reference: **17/0793/FUL**

Received: 9th February 2017

Accepted: 20th February 2017

Ward: Childs Hill

Expiry 17th April 2017

Applicant: Mr Sia Tabibi

Proposal: Conversion of existing dwelling into 2no self-contained flats.
Associated refuse and recycling store

AGENDA ITEM 8

Recommendation: Approve subject to conditions and *for the Committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)*

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan
 - Drawing No. RE/240G/1C Rev. E

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

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

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 4 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.

- 5 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.

- 6 a) Notwithstanding the details shown on Drawing No. RE/240G/1C Rev. E, 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 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with the details shown on Drawing No. RE/240G/1C Rev. E. The cycle parking and cycle storage 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.

- 8 Before the building hereby permitted is first occupied the proposed window(s) on the rear flank wall of the first floor rear extension that face No. 19 Elm Grove, 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).

- 9 The existing terrace on the roof of the two storey rear outrigger shall be removed within 3 months of the occupation of the development hereby approved. The roof of the existing two storey rear outrigger 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. The Juliet balcony on the existing rear dormer shall be permanently retained.

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).

Informative(s):

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is a two storey terraced dwellinghouse on the western side of Oak Grove. The application site shares a party wall with both No. 22 Oak Grove and No. 26 Oak Grove. No. 22 Oak Grove is positioned on the application site's northern flank and No. 26 Oak Grove is positioned on the application site's southern flank. No. 19 Elm Grove is located to the west of the application site.

The terrace property on the application site has an existing two storey rear outrigger that projects 4.5 metres in depth from the rear elevation wall. The rear outrigger has a flat roof with a height of 6.1 metres. It has a width of 3.4 metres. The terrace property on the application site benefits from a first floor rear extension that projects 1.1 metres in depth beyond the rear flank wall of the existing two storey rear outrigger. It is built above the existing single storey rear extension. It has a flat roof with a height of 6.1 metres. This extension was approved through application 16/6733/HSE.

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

The terrace property on the application site benefits from a rear dormer window. The existing rear dormer was constructed without planning permission but following an investigation it was considered to be lawful as it met the standards the requirements of Class B, of Part 1, Schedule 2, Town and Country Planning (General Permitted Development)(England) Order 2015 as amended.

The terrace property on the application site was previously in use as 2 no. flats. The flats were known as No. 24 Oak Grove and No. 24A Oak Grove. According to Council tax records the property was in use as a single family dwellinghouse from 01/04/1999 (Council Tax Band: E). There is no evidence to suggest that at any time since 01/04/1999 the property has been in any use other than a single family dwellinghouse. On the balance of probabilities, it is considered that the extensions to the property were carried out while it was lawfully a dwellinghouse.

Concern has been expressed that the terrace property on the application site currently in use as flats or a House in Multiple Occupation (HMO). The applicant has submitted a two year tenancy agreement dated 13/05/2017 to demonstrate that the property is being rented as a single family dwellinghouse. Clause 3.4 of the tenancy agreement stipulates that the property cannot be used as an HMO.

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

2. Site History

Ref: 16/6733/HSE

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

Proposal: First floor rear extension.

Decision: Approved subject to conditions

Decision Date: 27 January 2017

Ref: 16/4621/HSE

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

Proposal: First floor rear extension.

Decision: Withdrawn.

Decision Date: 29 September 2016

Ref: 16/2955/HSE

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

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

Decision: Refused.

Decision Date: 30 June 2016

Ref: 16/1336/PNH

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

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

Decision: Prior Approval Required and Approved.

Decision Date: 11 April 2016

Ref: 16/1064/PNH

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

Proposal: Rear extension.

Decision: Prior Approval Required and Refused.

Decision Date: 23 February 2016

Ref: 16/0767/PNH

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

Proposal: Single storey rear extension.

Decision: Prior Approval Required and Refused.

Decision Date: 11 February 2016

3. Proposal

The conversion of existing dwellinghouse into 2no self-contained flats with associated refuse and recycling store.

4. Public Consultation

Consultation letters were sent to 188 neighbouring properties.

A site notice was erected on 02/03/2017.

1 letters of support where received in response.

7 objections were received in response

The objections concerned the following issues:

- The council initially refused to give the developer permission to convert the property into flats when it was originally purchased by the developer in 2016.
- A mixture of both single family dwellinghouses and flats is required in the local area and the proposal reduces the number of the single family dwellinghouses.
- The proposed flat conversion would be an overdevelopment of the site which would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance and a loss of privacy.
- The rear flank windows on the approved first floor rear extension should be obscure glazed and permanently fixed shut to protect to prevent the overlooking of neighbouring and adjoining properties. Application 16/6733/HSE was granted with this as a condition and the current proposal should have the same condition.
- The application site overlooks the rear elevation of neighbouring and adjoining properties.
- The extensions to the original terrace property are out of scale with the application and its local context and character.
- The proposal would have a negative impact on parking provision in the local area.
- Permission for extensions to the terrace property on the application site were granted under the pretence that the application site was in use as a single family dwellinghouse when in fact this was not the correct use.
- The proposal would increase the number of people living in the local area without further investment being made in local social infrastructure or green spaces.
- The conversion should only require 3 no. bins, one of each type. The existing street has too many bins already so therefore the bin requirement for the proposal should not be excessive.
- There are currently people occupying the application site which suggests that a flat conversion has taken place without planning permission being granted.

Councillor Jack Cohen and Councillor Shimon Ryde submitted representations cornering the enforcement investigation on the application site.

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

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.

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:

- 1A Oak Grove = 2 Flats
- 2 and 2a Oak Grove = 2 Flats
- 3 Oak Grove = 4 Flats

5 Oak Grove= 2 Flats
8 Oak Grove = 5 Flats
10 Oak Grove = 2 Flats
12 Oak Grove = 2 Flats
14 Oak Grove = 2 Flats
15 Oak Grove = 2 Flats
16 Oak Grove = 2 Flats
18 Oak Grove = 2 Flats
19 Oak Grove = 2 Flats
22 Oak Grove = 2 Flats
26 Oak Grove = 2 Flats
28 Oak Grove = 2 Flats
30 Oak Grove = 2 Flats
31 Oak Grove = 5 Flats
32 Oak Grove = 2 Flats
34 Oak Grove = 2 Flats
36 Oak Grove = 2 Flats
38 Oak Grove = 4 Flats
40 Oak Grove = 2 Flats
41 Oak Grove = 5 Flats
43 Oak Grove = 3 Flats
49 Oak Grove = 2 Flats
51 Oak Grove = 4 Flats

Permission was granted to convert No. 7 Oak Grove, London, NW2 3LS into 3 no. self-contained flats on 21/12/2016 (ref: 16/6790/FUL) and permission was granted to convert No. 19 Oak Grove London NW2 3LS into 3 no. self-contained flats on 13/12/2004 (ref: C16035/04). Due to the high number of flatted developments on Oak Grove it is considered that the conversion of the dwellinghouse on the application site into flats is acceptable in principle.

Density:

The proposal is for 2 no. residential units with 7 no. habitable rooms. The application site has a size of 0.01 hectares. The London Plan density matrix calculator was used to assess the proposal.

The proposal has a density of:

Unit per hectare: 200.00 u/ha
Habitable rooms per hectare: 700.00 hr/ha

The application site is located in an urban area and it has a Public Transport Accessibility Level (PTAL) of 5. A location such as this can have a maximum density of between 200-700 hr/ha and 55-225 u/ha. The proposal does not exceed this density so therefore it the conversion of the existing dwellinghouse into 2 no. flats is no 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 2 no. proposed flats have the following gross internal area (gia):

Flat 1	2 bedrooms 3 persons	60.525 m ²
Flat 2	1 bedroom 2 persons	82 m ²

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 m²
- 1 bedroom unit for 2 persons on a two storeys requires 58 m²

It is considered that Flat 2 meets this requirement.

The amount of habitable floor space in Flat 1 is 60.2 m². This flat however has 0.65 m² of storage space under the staircase with a floor to ceiling height of 0.9 metres or above.

Part 10, line g. of the 'Technical housing standards - nationally described space standard requirements' (19 May 2016) states that:

"any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all".

For this reason the 0.65 m² of storage is considered to add 0.325 m² to the gia of the property so therefore its total gia is 60.525 m².

The gia of Flat 1 is 0.475 m² below the requirement. Several versions of the floor space of the proposed scheme were submitted to the LPA for assessment. It should be noted that stairways are considered to be included within the gia of a residential unit. A previous version of the floorspace was submitted in which both of the 2 no. flats met the floorspace requirements but in comparison to the current version, a significant amount of the gia of Flat 1 was stairways rather than floorspace. For the current version, Flat 1 has no stairway so therefore the whole gia is floorspace. Furthermore, in the current version the gia of Flat 2 has increased but the number of bed spaces remains the same. The gia of this unit is significantly above the requirement so therefore it is considered to provide a high standard of occupier amenity. For these reasons it is considered that on balance, despite the deficiency of the gia of Flat 1 by 0.475 m², the proposed units would not provide an unacceptably cramped form of accommodation.

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 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All the bedrooms in the proposed 2 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.

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 considered provided that sufficient sound insulation is provided

that the proposed room stacking is adequate to prevent the future occupiers of the proposed 2 no. flats to 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 m² of amenity space per habitable room. Habitable rooms exceeding 20 m² of floor space are counted as two.

Flat 1 has 3 no. habitable rooms so therefore it requires 15 m² of amenity space. 42 m² of rear amenity space is provided for Flat 1 so therefore it is considered to meet this requirement.

Flat 2 has 4 no. habitable rooms and therefore according to the standard it requires 20 m² of amenity space. No amenity space is provided for Flat 2. It should be noted however that Flat 2 is a 1 no. bedroom unit for 2 no. people rather than a family unit. There are existing examples of 1 no. bedroom flats on Oak Grove that do not have amenity space, such as one of the units in the flat conversion approved at No. 7 Oak Grove (ref: 16/6790/FUL). For these reasons the lack of amenity space provided for Flat 2 is considered to be acceptable.

The Impact on the appearance and character of the area:

There are no proposed extensions to the existing terrace property on the application site.

Additional refuse and recycling storage provision is proposed in the front amenity space of the application site. If the application is to be approved then a condition shall be included in the decision notice requiring that details of the enclosures and screened facilities for the proposed bins are submitted to the council. This is to ensure that the proposed bins are adequately screened so that they do not have harmful effect on the character of the streetscene.

The impact on the amenities of neighbouring occupiers

DM01 requires that development proposals should not have a material negative impact on the amenity of the occupiers of neighbouring and adjoining properties.

The proposal does not include any additional extensions to the terrace property on the application site.

There are many examples of flatted development on Oak Grove. The existing dwellinghouse on the application site provides accommodation for 5 no. people and the proposed 2 no. flats provide accommodation for 5 no. people in total so therefore the proposal would not increase the number of occupiers of the application site. For these reasons it is considered that the proposal would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of noise and disturbance from future occupiers of the property coming and going from the application site and occupying the property.

The existing first floor rear extension has windows on its rear flank wall. This first floor rear extension was approved through application 16/6733/HSE and the decision notice contained a condition stating that the first floor rear flank wall windows should be glazed with obscure glass only and should be permanently fixed shut with only a fanlight opening and should be permanently retained as such thereafter. In order to safeguard the privacy and amenities of occupiers of adjoining residential properties the same condition shall be included in the decision notice of the current application.

There are existing clear glazed windows on the ground floor and first floor of southern flank wall of the two storey rear outrigger on the terrace property on the application site. These windows overlook the northern side elevation of No. 26 Oak Grove. The proposal is to keep these windows are clear glazed. As the use of the application site is not to be intensified it is considered that the overlooking of No. 26 Oak Grove is no worse in the current proposal than it is for the existing dwellinghouse.

The existing two storey rear outrigger has a flat roof and if this roof was to be used as balcony/sitting out area then it is considered that the occupiers of neighbouring and adjoining properties would suffer a material loss of privacy as a result of overlooking. For this reason a condition shall be included in the decision notice restricting the use of this roof as balcony/sitting out area. The Juliet balcony on the existing rear dormer shall be permanently retained to act as a barrier between the roof and the rear dormer window.

For the reasons stated above the proposal is not considered to have material negative impact on the amenity of the occupiers of neighbouring and adjoining properties.

Parking and Highways

Policy DM17 concerns the parking requirements for new developments. Flats with 2 bedrooms require 1.5 to 1 parking spaces per unit. Flats with 1 bedroom require 1 to less than 1 parking space per unit. The proposal does not include any off street parking provision.

The application site contains an existing terrace dwellinghouse. DM17 states that terrace dwellinghouses require 1.5 to 1 spaces per unit. The application site has a PTAL of 5 which is considered very good. Due to the high PTAL it is considered that the 1 bedroom flat does not require a parking space. The existing terrace property has the same parking space requirements as the proposed 2 bedroom flat. The proposal does not increase the number of occupiers on the application site. For these reasons it is considered that the proposal does not require any additional parking spaces so therefore it meets the requirements of DM17.

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. The proposal contains 4 no. cycle parking spaces which meets this requirement.

Refuse and recycling storage

Collectively the proposed 2 no. flats require the following onsite bin provision:

- 2 no. 240L Grey refuse bins
- 2 no. 240L Blue dry recycling bins
- 1 no. 240L Green garden waste recycling bins

The proposal provides 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 proposed conversion of the existing dwellinghouse into flats and its impact the housing stock in the local area.
- The impact of the proposal on the amenity of the occupiers of neighbouring and adjoining properties.
- The visual impact of the proposal on the character of the local area.
- The waste and refuse provision for the 2 no. proposed flats.
- The previous and existing use of the terrace property on the application site.

Other issues:

- There is no record of the Council previously refusing a full planning application for a flat conversion at No. 24 Oak Grove. An application for Prior Approval which involved the conversion of the property into flats was refused on 11/02/2016 because a flat conversion does not constitute permitted development (ref: 16/0767/PNH). The application was refused because the applicant submitted the wrong type of application rather than because the principle of a flat conversion on the application site was considered to be unacceptable.

- The Council charges a Community Infrastructure Levy (CIL) on all developments that create additional residential floorspace. As the proposal does not create any additional residential floorspace the CIL liability is zero. The proposal only increases the number of occupiers of the application site by 1 no. person so therefore it is not considered to put undue pressure on local social infrastructure or local green spaces.

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 **129 The Vale London NW11 8TL**

Reference: **17/2340/FUL**

Received: 10th April 2017

Accepted: 12th April 2017

Ward: Childs Hill

Expiry 7th June 2017

Applicant: Mr B. Glass

Proposal: Construction of building comprising 3no. self-contained units to replace previous dwellinghouse on site that has been demolished. The proposed building would reflect the approved extensions to ground floor, first floor and roof level to the previous dwellinghouse on site

AGENDA ITEM 9

Recommendation: Approve subject to s106 and for the Committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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 specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Planning Performance and Business Development Manager/Head of Development Management:

RECOMMENDATION III:

- 0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 19th September 2017 unless otherwise agreed in writing, the 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.

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

- Site Location Plan
- 129TV-PP5-02
- 129TV-PP5-03
- 129TV-PP5-04 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 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 2016 MALP.

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing the neighbouring properties at No. 127 The Vale and No. 131 The Vale 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).

- 5 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 (2016 MALP).

- 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) and policies 5.2 and 5.3 of the London Plan (2016 MALP).

- 7 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 2016 MALP.

- 8 The roof of the single storey rear projection or the roof of the single storey side projection of the property hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 9 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with the details depicted in Drawing No. 129TV-PP5-04 Rev. A and 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.

- 10 a) Before the development hereby permitted is first occupied, the existing amenity space shall be subdivided in accordance with the details on Drawing No. 129TV-PP5-04 Rev. A 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 October 2016).

- 11 a) Notwithstanding the details depicted in Drawing No. 129TV-PP5-04 Rev. A, before the development hereby permitted is first occupied, details of boundary treatment around the proposed amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the sub-division of the amenity area(s) details as shown on Drawing No. 129TV-PP5-04 Rev. A 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 October 2016).

- 12 a) Notwithstanding the details shown on Drawing No. 129TV-PP5-04 Rev. 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).

- 13 A vehicular sight line of 4.5 metres by 70 metres shall be provided to the either side of the site access with the Public highway, prior to the commencement of any other works on site, and thereafter be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

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

- 14 Before the development hereby permitted is first brought into use the vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including Fencing of planting of shrubs to provide clear visibility between heights of 0.6 metre and 1 metre above the level of the adjoining highway.

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 16 Before the development is commenced; a scheme showing details of the proposed access points (Vehicular), and footways in accordance with the siting, size, swept path analysis, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority. The access shall only be constructed in accordance with the approved details.

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.

- 17 The development hereby approved shall not be occupied until the existing access has been closed, the highway reinstated and the new access has been constructed in accordance with the plans submitted to and approved by the Local Planning Authority.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway 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.

- 18 The building shall not be occupied until parking space(s) has/have been laid out within the site in accordance with the approved plans and shall not be used for any other purpose other than the parking of vehicles in connection with the approved development.

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5,530 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 £21,330 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to

CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 If the development is carried out it will be necessary for a vehicular crossover to be constructed over the footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 4 The applicant is advised that due to location of the site deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.
- 5 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within

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

- 6 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, removal and relocation of trees, 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.
- 7 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

Officer's Assessment

1. Site Description

The proposal site is on the northern side of the Vale and it previously contained a detached two storey dwellinghouse. The detached two storey dwellinghouse has been mostly demolished. No. 127 the Vale is located to the east of the application site and No. 131 the Vale is located to the west of the application site.

The area surrounding the proposal site is predominantly residential in character.

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

2. Site History

Reference: 17/0968/FUL

Address: 129 The Vale, London, NW11 8TL

Proposal: Conversion of the existing single family dwelling into 3no. self-contained units including part single, part two storey side and rear extensions following demolition of existing garage. New bay windows to front elevation and relocation of front entrance. Extension to roof including 1no rear dormer window and 1no dormer window to both sides. Associated works including bin store area at front and cycle storage at rear garden.

Decision: Withdrawn.

Decision Date: 5 April 2017

Reference: 16/7691/FUL

Address: 129 The Vale, London, NW11 8TL

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

Decision: Refused.

Decision Date: 27 January 2017

Reasons for the refusal of 16/7691/FUL:

1. The proposed conversion to flats would result in the loss of a single family dwelling house and would be harmful to the character of the locality of this road which is characterised by single family dwellings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

2. The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents from obtaining parking permits. In the absence of this, the proposals would result in increased kerbside parking which would be detrimental to highway and pedestrian safety and the free flow of traffic. 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) and policy DM17 of the Development Management Policies 2012.

Reference: 16/4086/PNH

Address: 129 The Vale, London, NW11 8TL

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

Decision: Prior Approval Not Required.

Decision Date: 22 July 2016

Reference: 16/1001/PNH

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.92 metres and maximum height of 3.66 metres.

Decision: Prior Approval Required and Refused.

Decision Date: 17 March 2016

Reference: 16/0215/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Roof extension involving side and rear dormer windows to facilitate a loft conversion.

Decision: Lawful.

Decision Date: 10 March 2016

Reference: 16/0979/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension.

Decision: Lawful.

Decision Date: 1 March 2016

Reference: 16/0212/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey side extension.

Decision: Lawful.

Decision Date: 11 February 2016

Reference: 15/07964/PNH

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension with a maximum depth of 8metres from the original rear wall. Eaves height of 3 metres and maximum height of 3.30 metres.

Decision: Prior Approval Required and Refused.

Decision Date: 8 February 2016

3. Proposal

Construction of building comprising 3 no. self-contained units to replace previous dwellinghouse on site that has been demolished.

Before the previous dwellinghouse on the application site was demolished, extensions were approved for it. These extensions were for ground floor, first floor and roof level. The proposed building will appear almost exactly the same as the extended pre-existing dwellinghouse with its granted extensions. The difference between the previous approved building and the current proposed building is in the fenestration. The propped building has 1 no. front roof light and 1 no. roof light on the ridge. Both of these are to provide daylight/sunlight to a bedroom.

The proposed building also additional glazing at ground floor level on the property's western side elevation

4. Public Consultation

Consultation letters were sent to 37 neighbouring properties.
A site notice was erected on 20/04/2017.

0 representations were received in response.

Application 16/7691/FUL was refused on 27 January 2017 by the Planning Committee because the principle of the replacement of the dwellinghouse on the application site with flats was considered to be unacceptable. The current application is for the replacement of the dwellinghouse with flats so therefore it has been referred to the Committee.

Internal Consultees

Barnet's Highways officers were consulted on the application and they raised no objections to the proposal to a S106 restriction on residents parking permits and also conditions relating to parking spaces, the vehicle crossover over and a construction method statement.

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.

The principle of flats in this location:

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

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.

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 dwellinghouses in roads characterised by dwellinghouses, this will not normally be appropriate.

An application for the conversion of the existing single family dwellinghouse on the application site into 4 no. self-contained units was refused on 27 January 2017 by the Planning Committee (ref: 16/7691/FUL). A reason for the refusal of this application was that "the proposed conversion to flats would result in the loss of a single family dwelling house and would be harmful to the character of the locality of this road which is characterised by single family dwellings".

While the reason for the refusal of 16/7691/FUL is noted, it is considered that the current proposal is acceptable first because more information has been provided relating to the character of the local area and secondly because the nature of the proposed units has changed.

The locality that surrounds the application site contains existing flatted residential development. According to council tax records the following properties contain flats:

183 the Vale, London, NW11 8TL = 2 flats
188 the Vale, London,, NW11 8SR = 6 flats
201 the Vale, London, NW11 8TN = 2 flats
237 the Vale, London, NW11 8TN = 2 flats
239 the Vale, London, NW11 8TN = 2 flats
259 the Vale, London, NW11 8TN = 2 flats

Planning permission has been granted on the following sites for the conversion of existing dwellinghouses into 2 no. flats:

- 76 The Vale, London, NW11 8SJ, ref: F/03390/14, approval date: 12.08.2014
- 92 The Vale, London, NW11 8SJ, ref: F/03603/13, approval date: 11.11.2013

Planning permission has been granted on the following sites for the conversion of existing dwellinghouses into 3 no. flats:

- 73 The Vale, London, NW11 8TJ, ref: 15/07734/FUL, approval date: 11.02.2016

- 83 The Vale, London, NW11 8TJ, ref: 16/2010/FUL, approval date: 31.05.2016
- 85 The Vale, London, NW11 8TJ, ref: 16/5093/FUL, approval date: 11.10.2016
- 107 The Vale, London, NW11 8TJ, ref: 15/04715/FUL, approval date: 28.08.2015

Due to the number of existing flats on the Vale and the number of recently approved flat conversions, it is considered that area surrounding the application site is characterised by flats.

16/7691/FUL was refused in part due to a concern about the loss of a single family dwellinghouse and its replacement with flats. The refused application proposed 3 x 2 bedroom flats and 1 x 1 bedroom flat. A 1 bedroom unit is not considered to be a family unit. The current proposal is for 3 x 2 bedroom flats. A 2 bedroom unit is considered to be a family unit. The current proposal is considered to continue to provide family sized accommodation and the fact that this accommodation is provided as flats is acceptable due to character of the area.

For these reasons the having flats on the application site is acceptable in principle provided that the proposal meets the requirements described below.

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 3 no. proposed flats have the following gross internal area (gia):

Flat 1	2 bedrooms 4 persons on 2 storeys	80 m2
Flat 2	2 bedrooms 3 persons on 1 storey	72.5 m2
Flat 3	2 bedrooms 4 persons on 2 storeys	110 m2

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 1 storey requires 58 m2
- 2 bedroom unit for 4 persons on a 2 storey requires 79 m2

It is considered that the 3 no. flats all 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 m2 and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m2 and minimum width should be 2.75 m to comply with the nationally described space standard.

All the bedrooms in the proposed 3 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.

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 considered provided that sufficient sound insulation is provided

that the proposed room stacking is adequate to prevent the future occupiers of the proposed 3 no. flats to 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 m² of amenity space per habitable room. Rooms with a with an internal floor space of greater than 20 m² are counted as 2 habitable rooms.

Flat 1 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 2 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 3 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 1 and Flat 2 are both provided with private gardens with areas of 28 m². Flat 3 has access to a communal gardens with a size of 60 m².

For these reasons it considered that the 3 no. flats are provided with adequate on site amenity space.

Accessibility:

The London Plan Housing SPG (March 2016) states that "new build housing should meet building Regulation requirement M4(2)". As the proposal involves the demolition of the

existing building and the construction of a new building it is considered that it is necessary to apply this standard.

In order to comply with part M4(2), the flats would need to provide level access (lifts). The Housing SPG accepts that "in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents". If proposals do not include step free access then the Housing SPG (March 2016) requires that the applicant should clearly demonstrate that achieving step free access would make the development unviable or would mean that service charges are not affordable for the intended residents; the Local Planning Authority would assess this accordingly.

The proposal does not contain a lift access and to justify this applicant submitted information concerning the financial viability of the proposal. Barnet's Property Services Team appraised the scheme and it was considered that the provision of a lift would make the scheme financially unviable. For this reason it is considered acceptable for the proposal not to provide lift access.

The Impact on the appearance and character of the area:

The proposed property has the same size, height, position, bulk, and design as the extended property that was approved through application 16/4913/HSE. There are differences in the fenestration between the proposed building and the one that was previously approved. The proposed building has 1 no. additional front roof light, 1 no. ridge roof light and additional glazing at ground floor level on the property's western side elevation. Due to their size and position, the proposed 1 no. front roof and the 1 no. ridge roof light are not considered to visually clutter the proposed property. The proposed glazing at ground floor level is the same height and design as the glazing at the rear of the previously approved property.

For these reasons the proposed property is not considered to appear incongruous on the application site or within the streetscene.

Details of enclosures and screened facilities for the bin storage shall be secured through condition in order for the bins not to have a negative visual impact on the character of the streetscene.

The impact on the amenities of neighbouring occupiers

DM01 requires that development proposals should not have a material negative impact on the amenity of the occupiers of neighbouring and adjoining properties

The proposed property has the same size, height, and position as the extended property that was approved through application 16/4913/HSE. The impact of the current proposal on the amenities of the occupiers of neighbouring and adjoining properties in terms of a loss of daylight/sunlight, a loss of outlook or an overbearing impact is considered to be no worse than the impact on the extended building approved through 16/4913/HSE.

The overlooking of neighbouring and adjoining properties from the proposed 1 no. front roof light and the proposed 1 no. ridge roof light is considered to be no worse than the overlooking from the windows that were previously approved through 16/4913/HSE.

To protect the privacy of the occupiers of neighbouring and adjoining properties a condition shall be included in the decision notice requiring that the windows on the eastern elevation facing No. 127 the Vale and the windows on western elevation facing No. 131 the Vale are obscure glazed and permanently fixed shut. Furthermore, a condition shall be included in the decision notice requiring that neither the roof of the single storey rear projection or the roof of the single storey side projection are used as a balcony/sitting out area.

The existing floor plans of the extended peorty16/4913/HSE show the property as providing accommodation for 10 no. people. The 3 no. proposed flats would provide accommodation for 11 no. people. The proposal would only increase the number for occupiers on the application site by 1 no. person and there are other examples of existing flats on the Vale. For these reasons the proposed conversion is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupying the site.

Parking and Highways

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The application site has PTAL of 2 which is considered poor. For these reasons the proposal is considered to require up between 3 to 4.5 no. parking spaces.

The proposal includes 3 no. onsite parking spaces. Taking into consideration that the site is located within walking distance of a town centre and the site is located within a Controlled Parking Zone, the proposed parking a is considered acceptable subject to a S106 restriction on residents parking permits.

It was commented that the applicant will need to demonstrate that the proposed access form the public highway can be installed without impacting on the pedestrian crossing. Details of how this can be achieved must be submitted to Barnet's Highways Officers after the determination of the application.

8 no. cycle parking spaces are proposed to the rear of the property which is in accordance with the standards defined in the London Plan.

For these reasons the proposal is considered to be acceptable on highways grounds.

Refuse and recycling storage

Barnet's Provision of Household Recycling and Waste Service document (2017) contains the recommended requirement for waste and recycling provision for new developments. Collectively the proposed 3 no. flats require the following onsite bin provision:

- 1 no. 660 Litre house hold refuse bin
- 2 no. 240 Litre blue recycling bins
- 3 no. 240 Litre garden waste bins
- 3 no. 23 Litre brown food waste recycling bins

There is considered to be adequate space within the front amenity space of the property for the required bin storage. The waste and recycling storage area at the front of the

property is located within 10 meters of the public highway so therefore it is easily accessible on collection day.

Details of enclosures and screened facilities for the bins shall be secured through a condition in order for them not to have a negative visual impact on the character of the streetscene.

For these reasons the waste and recycling storage provision is considered to be acceptable.

5.4 Response to Public Consultation

No responses were received during the public notification process.

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.



GRO

Location 1A Pattison Road London NW2 2HL

Reference: 17/0884/FUL

Received: 14th February 2017

Accepted: 27th February 2017

Ward: Childs Hill

Expiry 24th April 2017

Applicant: Mr McDonagh, Newman

Proposal: Demolition of the existing workshop/garage building and erection of 3no, part two, part three-storey dwelling houses with rooms in basement. Associated parking and refuse

AGENDA ITEM 10

Recommendation: Approve subject to conditions and for the Committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

2014-304-02.001 Rev D; 2014-304-02.002 Rev D; 2014-304-02.003 Rev D; 2014-304-02-004 Rev D; 2014-304-02.101 Rev D; 2014-304-02.102 Rev D; 2014-304-02.103 Rev D; 2014-304-02.104 Rev D; 2014-304.02-105 Rev D; 2014-304-02.106 Rev D; 2014-304-02.201 Rev D; 2014-304-02.202 Rev D; 2014-304-02.203 Rev D; 2014-304-02.301 Rev D; 2014-304-02.302 REv D; 2014-304-02.303 Rev D; 2014-304-02.403 Rev D; 2014-304-02.501 Rev D; 2014-304-02.502 Rev D; 2014-304-02.503 Rev D; 2014-304-02.504 Rev D; 2014-304-02.601 Rev D; Marketing Report; Daylight / Sunlight Assessment; Planning Statement; Design and Access Statement; WORL - Parklift 405- Car lift information

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

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

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

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

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

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

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

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

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

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

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

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

7 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.

8 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).

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 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).

- 11 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.

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

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

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

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

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

- 16 Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the submitted plans. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

- 17 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts and turntable 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.

- 18 The entrance gate shall be set back 6.0m from the public highway to allow vehicles entering the site to wait off the public highway and doors should open inwards so as not to cause possible harm to pedestrians using the public highway.

Reason : To allow sufficient space for a vehicle standing area in front of the garage to ensure 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.

- 19 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

- 20 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.

- 21 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated mixed use 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 traffic noise/mixed 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 (adopted April 2013) and 7.15 of the London Plan 2011.

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

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

23 a) No development other than demolition works shall take place until details of the proposed green roof 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.

24 Before the building hereby permitted is first occupied the proposed window(s) at first and second floor in the front and rear elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

Informative(s):

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

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

3 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

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

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

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

5 The 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.

Officer's Assessment

1. Site Description

The application relates to a back land site located between Pattison Road, Finchley Road and Devonshire Place, in the Childs Hill ward. The surrounding buildings accommodate a mixture of different uses and architectural styles.

The front of the site faces the rear elevations of properties fronting Finchley Road which benefit from retail space on the ground floor and residential accommodation located above. To the rear of the site are a number of buildings including purpose built apartments as well as a small row of three terraced houses fronting Devonshire Place. To the east are the terraced properties fronting Pattison Road, including a mixture of flats and single family dwelling houses.

The application site itself is a warehouse building most recently used as a car repair garage (vacant and marketed for the past two years). The site is accessed via an unadopted road part of which is in the applicant's ownership

2. Site History

Reference: F/01482/12

Address: 1A Pattison Road, London, NW2 2HL

Decision: Approved subject to conditions

Decision Date: 26 July 2012

Description: Provision of MOT testing bay within existing garage.

Reference: C15640B/06

Address: 1A Pattison Road, London, NW2 2HL

Decision: Split Decision

Decision Date: 12 February 2007

Description: Various signs including non-illuminated projector pole sign and 3 nonilluminated wall mounted customer parking signs.

Reference: C11471C/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Refused

Decision Date: 10 January 2005

Description: Demolition of existing garage and erection of two no. 3-bedroom mews houses and one no. 2-bedroom mews house with associated parking.

Reference: C11471B/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Withdrawn

Decision Date: 1 October 2004

Description: Demolition of existing garages and erection of 2no, three bedroom mews house and 1no, two-bedroom mews house.

Reference: C11471A/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Withdrawn

Decision Date: 30 June 2004

Description: Demolition of existing garages and erection of two, 3-bedroom mews house and one, 2-bedroom mews house.

3. Proposal

This application seeks consent for the Demolition of the existing workshop/garage building and erection of 3no, part two, part three-storey dwelling houses with rooms in basement, with associated parking and refuse provision.

The proposed new dwelling houses measure approximately 8.5m in width, from ground level the height would be 5.7m to the top of the two-storey element which matches the existing eaves line and 8.4m to the top of the three-storey element, which matches the existing ridge line, with a 2.7m high basement beneath ground. The dwellings would measure between 8.4m and 5.4m in depth.

4. Public Consultation

Site Notice: 9th March 2017

Press Notice: 9th March 2017

207 consultation letters were sent to neighbouring properties.
6 objections have been received

The views of objectors can be summarised as follows;

- Proposed application includes a piece of land that does not belong to the site address
- Loss of light
- Loss of privacy
- Damage to existing buildings from construction work
- Noise disturbance from construction works
- Traffic disruption from construction works
- Cannot locate daylight / sunlight report
- Should be legal clause to ensure green roof does not need maintenance and windows facing neighbour cannot be opened

The submitted daylight / sunlight report was not originally made available to the public. However, this was remedied early on and neighbours have been given sufficient time to review the document.

Internal / other consultations:

Environmental Health- No objection subject to suggested conditions and informative

Highways: No objection subject to suggested condition and informative

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan July 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM14 and DM17

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

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

5.3 Assessment of proposals

The item was deferred to the July 19th Area Planning Committee in order for officers to visit the neighbouring property at 'The Lightworks' 404-406 Finchley Road.

Land use

The proposals would seek to redevelop the site for residential purposes.

Policy DM14 of Barnet's Development Management Policies DPD (2012) 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. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.'

The preamble to the policy states that effective marketing is where a site has been continuously actively marketed both for sale and rent for a period of 12 months at an appropriate price which can be agreed in advance with the council (at pre-application if appropriate) for re-use or redevelopment for employment use and no interest has been expressed. Furthermore officers consider that the site has limited potential for further employment use given it's awkward shape and relationship to neighbouring buildings.

In response to this, the applicant has submitted a comprehensive marketing report from a commercial and residential chartered surveyor with extensive experience advising on property transactions in the Childs Hill area. The property has been marketed for a period of 2 years in both local and national publications. The property was also well advertised on the agents website used extensively by both applicants and agents.

In terms of interest the agent received numerous enquiries but the majority were from developers requiring plots for residential development and the site failed to meet the specific requirements of other interested parties.

Having taken all the above points into account the loss of the existing warehouse would comply with Policy DM14 and considered acceptable.

Impact on the character of the area

Design

In respect of design and appearance, planners acknowledge that the proposed design is more modern when compared to surrounding buildings, in that the proposals show angular, flat-roofed dwelling houses in comparison to the traditional pitched roofed, gable fronted, terraced properties along the road. However, as this area is not a conservation area and there is a range of architectural styles to be found in the area, there is no in principle objection to this approach as some evolution of the areas character is to be expected.

The proposed materials, in particular the brick, take inspiration from the surrounding area and are considered to provide an interesting development. Formal details of the materials

are required through the imposition of a condition to ensure they will appear appropriate in their setting.

Siting

The proposed mews houses would occupy a smaller footprint than the existing warehouse and therefore no concerns are raised over the proposed siting.

Height, scale, bulk and massing

Given the proximity of neighbouring residential properties to the application site, great care was taken to respect the proportions of the existing warehouse.

This has been achieved in the following ways:

- The existing building includes a part pitch roof and part flat roof design. The flat roof element measures 8.7m high which adds considerable bulk. This element has been removed from the proposed scheme.
- The proposed eaves height matches existing.
- The proposed third storey additions have been carefully designed to mimic the pitch of the existing roof.
- The proposed roof design would remove elements of the existing pitched roof adding a certain degree of transparency through the site
- Section A-A shows that a large proportion of the bulk and massing viewed from the Pattison Road has been removed

The existing warehouse is of no architectural merit and in some areas rather bulky. The proposed modern design is considered to improve the character of the area while also reducing the overall bulk and massing. This would accord with policy DM01 of Barnet's Development Management policies DPD (2012).

Quality of accommodation for future occupants

Units sizes (GIA):

House 1:	174m ²
House 2:	157m ²
House 3:	164m ²

All three houses would exceed the minimum unit sizes as set out in the London Plan (2016).

Outlook:

All habitable rooms would benefit from sufficient outlook to meet the requirements of Policy DM01. Attention has been paid to the proposed rooms within the basements, served by lightwells. While these rooms may not be provided with the same level of outlook as the floors above, these rooms are ancillary and therefore not required to provide the same level of amenity.

It is recognised that the first and second floor front windows and rear skylights are proposed to be obscure glazed to ensure no overlooking into neighbouring properties, with the return windows provided with clear glazing; the provided daylight and sunlight report demonstrates that these rooms have acceptable levels of light provided to them.

On balance the proposed dwellings would provide an adequate level of outlook for future residents.

Garden:

Barbet's Sustainable Design and Construction SPD (2012) makes reference to private outdoor amenity space. Specifically that houses with 5 habitable rooms should provide 55m² of enmity space in total.

The submitted plans show the following proposed outdoor amenity space:

House 1:	48.6m ²
House 2:	32.1m ²
House 3:	50.9m ²

Although the proposed units fall short of this requirement to varying degrees there are material considerations which render this acceptable. Principally, all three houses exceed the minimum unit sizes as set out in the London Plan (2016) which compensates for the limited outdoor space on this back land site and would therefore provide future occupiers with a good standard of living.

It is considered that given the constrained nature of the application site the shortfall in amenity space provision balanced against the over provision of internal space makes the proposed development acceptable. The adopted SPD on Sustainable Design and Construction (2016) suggests that amenity provision should not constrain an otherwise acceptable development, such as this, and therefore on balance the proposed development which provides private amenity space to each unit is considered to be acceptable. Furthermore the application site is situated relatively close to Hampstead Heath and Golders Hill Park providing additional external amenity for future occupiers.

Light:

Since the pre-application scheme fenestration detailing has been improved to maximise light to each unit. The basements include modest lightwells giving some direct sunlight to the non-habitable rooms within. All the units are south facing to maximise light potential; the ground first and second floor units include a high proportion of glazing and roof lights have also been included to the rear to further light into the development.

A daylight/sunlight report has been submitted with the application which demonstrates that sufficient light levels are provided to each of the habitable rooms has been achieved.

It was also requested that daylighting studies were carried out on the houses to the North of the Site, namely those on Devonshire Place, to ensure that the proposal is not detrimental, when compared to the existing, to the levels of light reaching those properties. The study showed that these neighbouring properties would not experience unacceptable loss of light as a result of the proposed development.

Impact on neighbouring occupiers

Care has been taken to maximise both light and outlook to neighbouring occupiers in the following ways:

- The large flat roof element has been removed.
- The proposed eaves height would match existing.
- The overall height would be no higher than existing.
- Due to the crown roof the pitched third floor additions bring the roof form slightly closer towards neighbouring gardens. This is however compensated for by the removal of areas of roof in between.

The item has been deferred from the previous committee meeting for officers to visit 404-406 Finchhley Road

In regard to the impact of the proposed development on neighbouring sites it should be noted that the proposed flatted development shows eaves and ridge levels of the same height as the existing warehouse building on site.

In regards to the impact on 402 Finchley Road specifically the proposals show the removal a significant amount of the wall separating the sites at high level and as such greatly improves the outlook of 402 without creating any overlooking issues

In regard to the impact of the proposed development on The Lighworks at 404-406 Finchley Road Section A-A shows that the building sits within the same footprint of the existing warehouse structure and follows a very similar massing and pitch, thereby resulting in no additional loss of amenity to these occupiers. It also shows the same section of wall removed when compared with the existing, which again improves the outlook for these existing neighbouring occupiers and increases the amount of natural light reaching the property.

Officers have visited the property and are of the view that the impact of the proposals would be comparable to what exists. Whilst the top of the roof would be wider in profile, the side elements of the pitch would be removed, which would result in a comparable impact.

These issues are dealt with in more detail below.

Overlooking Loss of privacy:

Barnet's Sustainable Design and Construction SPD (2013) include reference to overlooking and a loss of privacy. Specifically:

'In new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.'

The submitted plans demonstrate that in the main compliance with these requirements has been met. There are however instances where the habitable room window to habitable room window distances fall slightly short of the 21m for example between the application site and the neighbour at 1 Pattison Road which only achieves a distance of 18m. On balance the benefits of providing three new houses would outweigh the harm caused from minimal overlooking of neighbouring residents, taking into account that the view is oblique and that this view is across the end of the neighbours garden.

Having visited the block of flats at the Lightworks, it is considered that there would not be harmful overlooking. Windows of the development would not face towards this property, rather would face within the development.

Noise and disturbance:

The previous use as a car repair garage is likely to have caused certain levels of noise and disturbance from the comings and goings of cars, metal work as well as the operation of machinery. The proposed use of three houses is likely to be a more agreeable neighbour in terms of noise and disturbance and therefore considered acceptable.

Highways and parking

Any proposal for this site will need to demonstrate that it has complied with the relevant development plan policies in respect of parking and highway related matters (for example policy DM17 of the Barnet Local Plan).

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).

In this instance the parking requirement for the proposed units would be between 4.5 and 6 spaces.

The Highways department have reviewed the submitted information and raise no objection to the proposals subject to the suggested conditions and informatives. It is considered that there is sufficient visibility for vehicles to have safe access and egress of the application site.

5.4 Response to Public Consultation

The concerns raised by objectors are noted. In regard to the concerns that the proposed application includes a piece of land that does not belong to the site address the agent has confirmed that this incorrect and a correct site location plan and certificate A has been signed.

The concerns raised that the proposed development will result in a loss of light to neighbouring occupiers is disputed as a daylight and sunlight report has been submitted with the application which demonstrates this not to be the case.

The concerns raised that the proposed development will result in a loss of privacy are noted, however, it is considered that the proposals will not give rise to any loss of amenity to neighbouring occupiers; a condition is suggested requiring windows facing neighbours to be obscure glazed to prevent any potential loss of privacy.

Damage to existing buildings from construction work is not a material planning matter.

Noise and traffic disturbance from construction works are not strictly material planning considerations, however, a condition has been suggested restricting the hours of construction, as well as the request for a demolition and construction method statement to be submitted prior to construction to ensure that neighbours experience a minimum of disruption from the proposed construction works.

The submitted daylight / sunlight report has not originally made available to public, however, this was remedied early on and neighbours have been given sufficient time to review the document.

The request that there should be legal clause to ensure green roof does not need maintenance and windows facing neighbour cannot be opened is a civil matter and cannot be dealt with by planning. It should be noted that a condition is suggested requiring windows facing neighbours to be obscure glazed with only a fan light opening.

6. Equality and Diversity Issues

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

7. Conclusion

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

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Location **504 Finchley Road London NW11 8DE**

Reference: **17/2226/FUL**

Received: 5th April 2017

AGENDA ITEM 11

Accepted: 11th April 2017

Ward: Childs Hill

Expiry 6th June 2017

Applicant: Chase London Ltd

Proposal: Erection of outbuilding to rear for use as gym/playroom

Recommendation: Approve subject to conditions

RESOLVED that the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

863/FR/S1 (Site Location Plan)

863/FR/02 (Proposed Plan)

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

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

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

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

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

- 4 The use of the outbuilding hereby permitted shall at all times be incidental 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).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Finchley Road, within the ward of Childs Hill and consists of a two-storey, semi-detached property comprising of 4no. self-contained units. The property was converted originally from a single family dwelling into 6no flats without planning permission but became lawful in 2011 due to the passage of time. The number of units has then reduced from 6no units to 4no in order to improve the quality of the internal units. The ground floor unit has access to a separate private amenity to the rear, while the remaining units have access a communal area at the rear.

The street is characterised by similar two-storey properties on the eastern side of Finchley Road, whereas there are larger 3-4 storey new flatted development on the western side of the road.

2. Site History

Reference: 16/2092/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Approved subject to conditions

Decision Date: 10 August 2016

Description: Conversion of property from 6 self-contained units to 4 self-contained units. Single storey rear extension and associated parking spaces

Reference: F/04678/12

Address: 504 Finchley Road, London, NW11 8DE

Decision: Approved subject to conditions

Decision Date: 14 May 2013

Description: Conversion of property from 6 self-contained units to 4 self-contained units. Extensions to roof including front, side and rear dormer window to facilitate a loft conversion.

Reference: F/03032/11

Address: 504 Finchley Road, London, NW11 8DE

Decision: Lawful

Decision Date: 28 September 2011

Description: Use of property as 6 self-contained flats.

3. Proposal

The application seeks consent to construct an outbuilding on land at the rear of the property. The outbuilding would measure 5m (depth) x 6.5m (length) x 2.5m (height). The building would be constructed from brickwork to match existing.

The proposal has been amended to reduce the width of the outbuilding and to remove the internal shower room.

4. Public Consultation

Councillor Jack Cohen has requested that should the application be recommended for approval, the application should be referred to the committee to consider whether the proposed size and siting, and proposed use including a passage way linking the front of

the building to the rear is out of character, overbearing and obtrusive and whether the proposed use is acceptable.

Consultation letters were sent to 10 neighbouring properties.
3 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment
- Harm the impact of the character of the property and neighbouring properties
- Use as additional dwelling
- Set an unwelcome precedent in terms of over-intensification of the site
- Noise impacts
- Loss of outlook
- Loss of amenity
- Garden grabbing

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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

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 proposed outbuilding would be single storey in height and constructed with materials to match the site's context. Planning Officers consider that the design and scale of the proposal would be in-keeping and would be viewed in context with the boundary enclosures and existing outbuildings in the area.

It is proposed to use the outbuilding as a gym/playroom. A condition will be attached to ensure that the proposed building remains incidental to the main residential use of the building and not as a habitable room or for any other use.

In terms of outlook, the proposal is not considered to represent any material differences than if future occupiers stood in this area. Officers do not consider that given the size of the proposal and its proposed incidental use, there would be additional noise/disturbance created which would cause significant harm to the amenities of neighbouring occupiers. Therefore loss of privacy is not considered to be a significant issue.

The proposed side access is to be used by the occupants of the above-ground floors to access the amenity area at the rear. Planning Officers do not consider that this aspect of the proposal would raise any significant issues in terms of visual impact or residential amenity. The applicant has confirmed that the side access is only for sole use of the occupants of no.504.

5.4 Response to Public Consultation

Overdevelopment - The proposed building has been reduced in width and is considered to be of a more appropriate scale and footprint.

Harm the impact of the character of the property and neighbouring properties - The proposed building is a relatively small outbuilding located at the rear of the site, in keeping in terms of height and external materials. As such it is not considered to be out of keeping with the character or create any adverse visual impacts.

Use as additional dwelling - The proposal seeks use of the building as a gym/playroom and that is the use which is being assessed by the Planning Authority. A planning condition will be attached to any approved consent which ensures that the building can only be used as incidental to the main building.

Set an unwelcome precedent in terms of over-intensification of the site - Planning Officers do not consider that the proposal represents or creates an over-intensification of the site.

Noise impacts - The proposal is for an incidental building/use, associated with the residential use of the main building and is not considered to result in any adverse impacts in terms of noise.

Loss of outlook - The existing area could be used as a garden where occupiers could carry out a number of activities. The introduction of a building is not considered to result in any differing impacts than if it wasn't there.

Loss of amenity - The existing area could be used as a garden where occupiers could carry out a number of activities. The introduction of a building is not considered to result in any differing impacts than if it wasn't there.

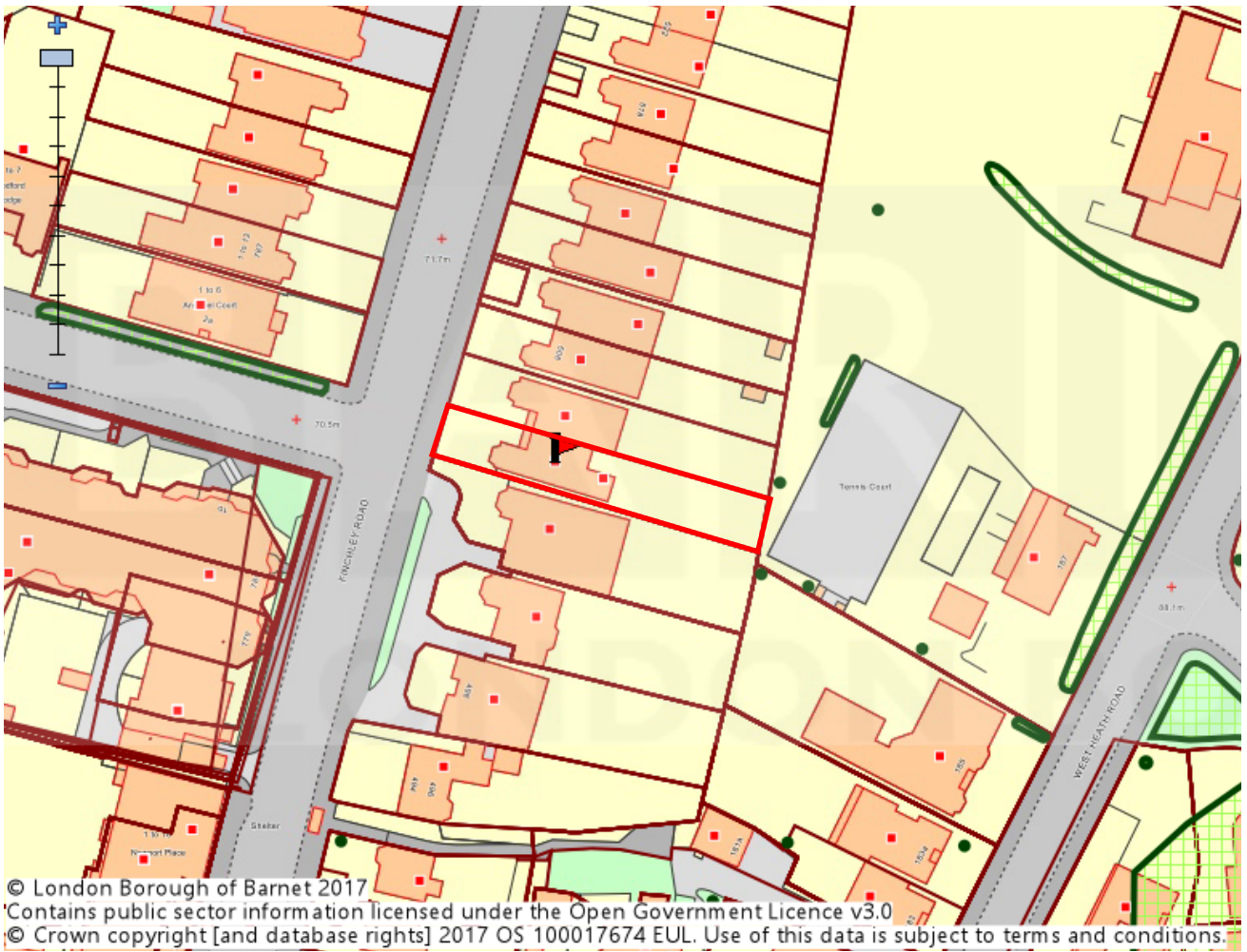
Garden grabbing - The site where the proposed building is to be located is located within the existing boundaries of no.504 and as such is not considered to be garden grabbing as the boundaries remain unaltered.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location	North Western Reform Synagogue Alyth Gardens London NW11 7EN	
Reference:	17/0369/FUL	Received: 23rd January 2017 Accepted: 24th January 2017
Ward:	Garden Suburb	Expiry 21st March 2017
Applicant:	North Western Reform Synagogue	
Proposal:	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 12

Recommendation: Approve subject to conditions

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

A09, A90, A100 P1, A110, A120, A130, A200 P1, A210 P1 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 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).

- 11 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 2016.

- 12 Use of the on-site facilities shall be limited to 350 people at any one time.

Reason: To ensure that the impacts of the development on residential neighbours is limited to satisfactory levels, in accordance with Policies DM04 and DM17 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.
- 2 This planning permission should be read in conjunction with the Section 106 agreement dated 18 May 2017, which sets out obligations to provide a Faith Travel Plan and financial contribution of £5000 (index linked) for the purpose of monitoring the Faith Travel Plan.
- 3 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.

- 4 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

Officer's Assessment

Introduction

This application was first considered by members at the meeting on 9 March this year. In the consultation that took place before the meeting, notification letters had been sent initially to 106 neighbouring properties but following neighbour concerns about the extent of the notification, 113 additional properties were notified. The consultation period was not completed by the date of the meeting, and members resolved to grant planning permission subject to no new substantive objections being received along with completion of a section 106 agreement to put into place a Faith Travel Plan. As additional objections have been received where objectors have requested to speak at Committee, the application has been brought back to Committee for consideration of the issues raised. These are set out at Section 4 of the report.

Other changes to the main report as previously considered by members at the March Committee meeting are:

- (i) the incorporation of additional comments on the design of and cladding for the exterior wall facing 23 Alyth Gardens, which was reported in the Addendum.
- (ii) An additional condition regarding the control of plan from new plant.
- (iii) An additional condition resulting from Highways comments.

These are added to the discussion in Section 5.3 of this report.

It is not considered that the matters raised in the additional objections change the acceptability of the scheme as considered by members at the March Area Planning Committee meeting, and the application is therefore recommended for approval.

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 smaller 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.

73 responses have been received in total, including 57 letters in support and 16 objections. This includes three additional letters received since the 9th March meeting which are all objections.

The letters of support, as considered in the March Committee and Addendum reports, 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.

The additional letters received also raise the following issues:

- Extending the premises may lead to an increase in events with more noise and disturbance.
- Noise and disruption from the proposed construction .
- Existing traffic congestion will be even worse with construction vehicles. Most of the supporters for the scheme do not live in the immediate surrounding area, so will not be affected in their everyday lives by the impacts.
- Will undermine health, quality of life and well-being of residents.
- The building will be overdominant and incongruous
- Ill house-bound residents in the vicinity will be particularly impacted.
- Noise and pollution, particularly from the condenser on the roof.
- Loss of light

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; and
- Impacts on trees.

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.

Other minor alterations to the adjoining existing part of the building would be largely internal. Minor external alterations 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.

An amendment to the scheme as originally submitted was reported in the Addendum for the 9th March meeting. This changes the exterior wall cladding for the front of the extension, facing 23 Alyth Gardens, from the anodised metal finish as originally proposed to brick which would match the other elevations of the extension. The pitched roof section of this elevation remains as anodised metal in the amended drawings. It is considered that the predominantly brick finish on the front elevation of the extension would provide a more

coherent external appearance to the building than the more extensive use of anodised metal in the original drawings.

The extension including the higher entrance is considered to be 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 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.

The most recent objection letters raise an issue with possible noise from a condenser unit to be mounted on the roof of the extension. This is discussed in the Noise Assessment that was submitted with the application. Potential noise impacts of the proposed condensers at the closest existing residential receptors was evaluated, and the report concluded that the noise levels will have no significant effects on neighbouring residents. Condition 11 in this report sets levels that the equipment would need to meet, in accordance with the Council's standard requirements for residential areas.

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. The applicant has submitted a draft Green Travel Plan to ensure that future traffic impacts are properly managed, and has entered into a Section 106 agreement to secure the monitoring of the Travel Plan. While the recommendation in the report for the March meeting for this application was subject to the section 106 obligation being completed, the progression of this matter in the intervening months means that the recommendation for approval is now subject only the recommended conditions.

It is however noted that the Highways Officer requested have requested that a limit of 350 people should be imposed on the use of the on-site facilities at any one time. Subject to this being added to the conditions already considered in the March report, including the requirement in the applicant's Construction Management Plan as set out in condition 7, the concerns of objectors 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 proposed extension will provide an attractive addition to the building and its surroundings that will not result in any unacceptable impacts on neighbouring occupiers. Matters raised by additional objections do not change this conclusion, and the proposal remains acceptable subject to the conditions recommended above and the provisions of a section Green Travel Plan.

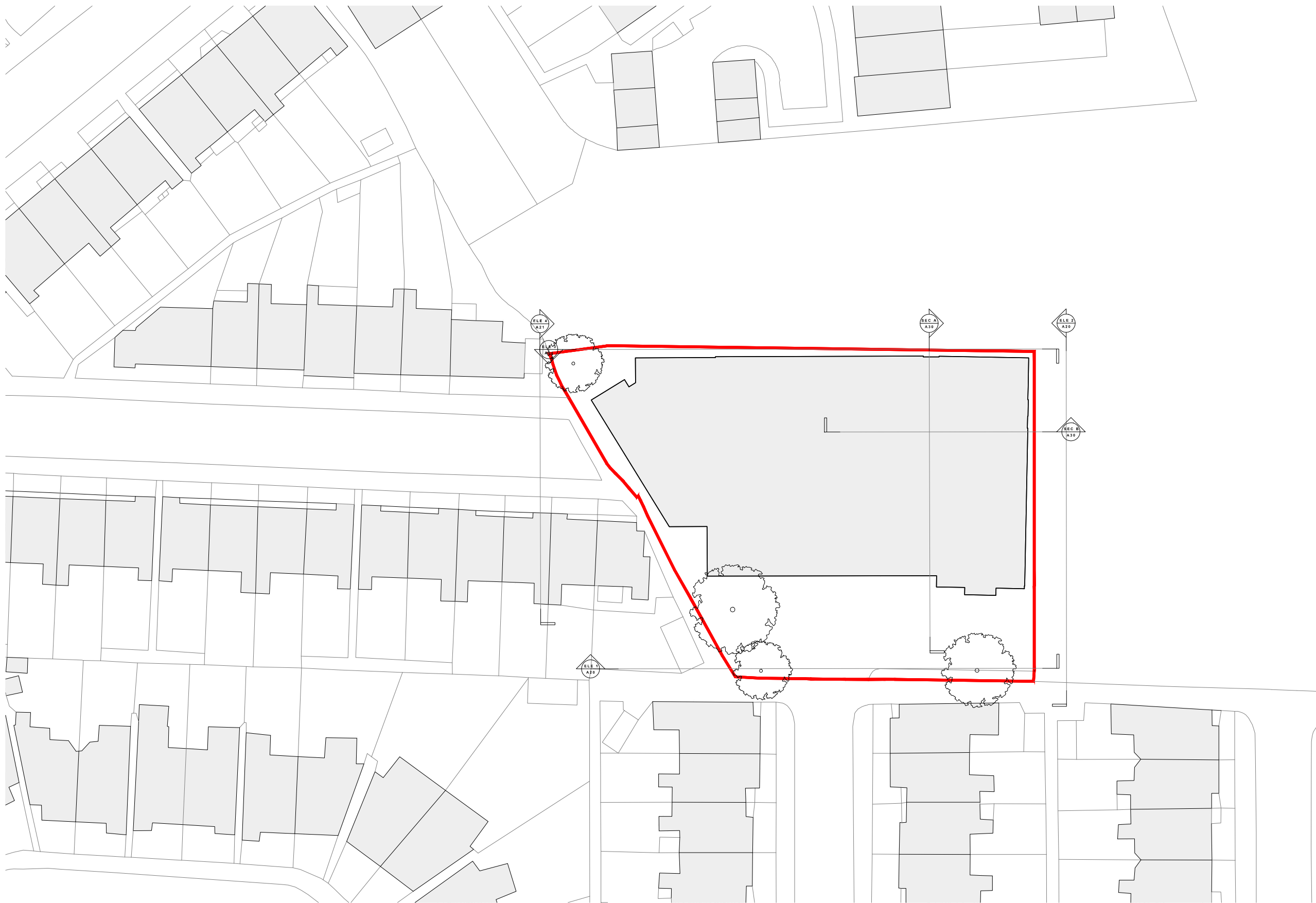
6. Equality and Diversity Issues

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.

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01
A09 EXISTING SITE PLAN

SCALE @ 1:500

date rev revisions

key plan

notes



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DE METZ FORBES KNIGHT ARCHITECTS

the old library 119 cholmley gardens london nw6 1aa t 020 7435 1144 f 020 7435 0884 mail info@dmfk.co.uk

project drawing title

Alyth Gardens Synagogue, NW11 7EN Existing Site Plan

client	scale at A1	scale at A3	drawn	date
Alyth Gardens Synagogue	1:250	1:500	CP	JAN 17
	project no.	drawing no.	revision	

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Location **Bute Mews London NW11 6EQ**

Reference: **16/8188/FUL**

Received: 23rd December 2016

Accepted: 5th January 2017

Ward: Garden Suburb

Expiry 2nd March 2017

Applicant: Tenorpace Properties Limited

Proposal: Demolition of the existing detached garages and erection of 6no two-storey terrace houses with rooms in roofspace. Associated landscaping, access, refuse and parking

AGENDA ITEM 13

Recommendation: Approve subject to s106, and for the committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in her absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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. Obligation to maintain and renew the hardsurfaced area within the site.
4. Contribution towards Play space improvements in the locality - £2,430
5. Monitoring of the Agreement - £121.50

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Planning Performance and Business Development Manager/Head of Development Management:

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

11163/ 01

11163/ 02

11163/ 03 J

11163/ 04 J

11163/ 05 J

11163/ 06 K

1163/ 07 D

Bat Survey of Garages at Bute Mews, London dated 09 June 2017 by Crossman Associates

Outline Construction Management Plan and Method Statement by Richard Maltese Architects

Design and Access Statement by Richard Maltese Architects

Preliminary Ecological Appraisal dated January 2017 by Greengage

Outline Site Waste and Servicing Plan by wyg associates by January 2017

Transport Statement dated December 2016 by Parsons Brinckerhoff

Landscape Strategy by colvin&moggridge dated December 2016

Arboricultural Assessment and Method Statement by barrel tree consultancy dated December 2016

Flood risk assessment by rma environmental dated December 2016

Heritage Statement dated December 2016

Tree Protection Plan

Daylight and Sunlight reports dated December 2016 by Point 2 Surveyors

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. These shall include:

details of dormer windows

details of brickwork and pointing

details of windows and surrounds

details of brick retaining walls

details of chimney stacks

details of eaves

details of doors including garage doors

details of rooflights

details of rainwater goods

details of roof ventilation

details of gates and boundary treatment
details of signage and lighting
details of hard surfaces

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

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

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

6 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.

7 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under Condition 1 and the associated arboricultural method statement has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

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 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.

10 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.

11 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).

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

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

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

13 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.

14 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use 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/mixed use 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 2015.

15 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.

16 Before the development hereby permitted commences a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority.

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.

17 The garages provided in connection with the residential development shall only be used for the parking of private motor vehicles and shall not be used in connection with any use, trade or business.

Reason: To ensure the permanent retention of the parking provision 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.

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

19 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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.

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

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

21 No development, including demolition, shall take place until a method statement detailing the treatment and control of Japanese Knotweed on site has been submitted to and approved in writing by the Local Planning Authority.

The submitted arboricultural method statement and impact assessment must be reviewed in the light of the required treatment of Japanese knotweed identified on the site.

The development shall be implemented in accordance with the method statement as approved under this condition.

Reason: To accord with the Environmental Protection Act 1990 and 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.

22 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 buildings hereby permitted shall not be extended or altered in any way with the prior grant of planning permission.

Reason: To safeguard the appearance of the area

23 Before the development hereby permitted is occupied, details of how the proposed scheme would meet Secure by Design Accreditation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the proposals do not compromise local security in accordance with policy CS12 of the Barnet Core Strategy.

24 Before the development hereby permitted commences (other than for the purposes of demolition), an Ecological Management Plan shall be submitted and approved in writing by the local planning authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the development provides biodiversity improvements in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

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

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

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

27 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local

planning authority. The development shall be implemented in accordance with these details.

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

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 19th October 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 mitigate the lack of playspace provision on site and towards the maintenance of the hardsurfaced areas within the conservation area. 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).

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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £24,136 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 £93,096 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Please visit

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

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

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

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

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

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises. This should be included in the applicants refuse and recycling strategy.
- 7 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.

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

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

- 9 Barnet Council provides a refuse collection service and recycling facilities. The manner in which this service is provided will depend upon the area of the district in which the development is proposed.

Refuse points should be easy to reach for collectors, and adequate access and egress must be provided. If the design principles of this guide are followed the refuse collection vehicle should not have problems nor cause too much inconvenience to residents and other road users. Refuse collection will generally be made within 25m of an adopted road network, however in other cases stored bin collection points, which are suitably screened, should be provided within 25m of the highway. Many areas are now provided with 'wheelie' bins which are more convenient and have greater capacity.

Every dwelling on a new development must be capable of being serviced by refuse vehicles, furniture and other domestic delivery vehicles. Vehicles should be capable of being parked either adjacent to each dwelling or within 25 metres walking distance from an identifiable refuse collection point provided for a dwelling or group of dwellings. Access and other arrangements for the servicing of, and the loading and unloading of goods for industrial, retail and other commercial developments will depend on individual operational needs and should be agreed by both the Local Planning Authority and Highway Authority.

- 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.

Officer's Assessment

1. Site Description

The red line site for the proposed development is situated directly to the rear of The Market Place (the frontage building to Falloden Way) and is known as Bute Mews.

The site and surrounding area is located within the designated Hampstead Garden Suburb Conservation Area.

The block is situated between Northway to the West and Kingsley Way to the east. The land is accessed through an entrance at each end of the land in Northway and Kingsley Way.

The Market Place constitutes a retail parade with residential flats above.

No. 14 - 56 (even) The Market Place is locally listed terrace, listed on 12/10/10 by the Local Authority for their Local Architectural or Historic Interest.

The land to the rear contains a number of garage blocks but is principally used for parking. The area has also been known to accumulate waste and fly tipping. The garage blocks are not statutory or locally listed buildings.

Immediately behind these garages is a strip of overgrown land within which are a number of small to medium sized trees.

Beyond this is Northway Gardens, a public park. Mutton Brook flows through it and this land is both designated Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC).

According to the Government's flood map for planning, due to the presence of Mutton Brook the park falls inside Flood Zone 2 and Flood Zone 3. Bute Mews however does not, and falls inside Flood Zone 1.

There is a bus stop outside the front of The Market Place as well as short term car parking. General needs car parking is accommodated within Northway and Kingsley Way, as well as in Bute Mews.

There are a number of trees both within and outside of the site. There are no Tree Preservation Orders on site. As the site falls within a conservation area any trees on the site and neighbouring sites are subject to planning control.

To the west end of the site adjacent to Northway there is a mature tree which constitutes a constraint on development that has amenity pressures for the occupiers of the flats in Bute Mews. This tree has permission for its removal (application reference TCF/00425/15, dated 19th August 2015).

2. Site History

Tree works application.

3. Proposal

The application seeks consent for the demolition of two existing garage blocks and the erection of a terrace of six dwellings with excavation to form basements.

The proposed development would be designed to respond to the architectural detailing, form and character of the Hampstead Garden Suburb conservation area with hipped clay tile roofs, red blend stock brick, lead dormers, chimneys, and timber fenestration including casement windows.

The proposed development would appear as single storey with roof level accommodation when viewed from the internal road in Bute Mews. Dormers would be installed on the south facing elevation facing towards the Northway Gardens.

Each dwelling would comprise 3 bedrooms to accommodate 5 persons. The 4 no. mid-terrace dwellings would be 111 sqm in internal space and the 2 no. end terrace 122.8 sqm, including the attached garages. The external garden spaces would vary from 29 sqm to 165 sqm in size.

Garage parking would be provided at either end of the terrace. In addition, surface parking would be laid out along the front elevation of the terrace in Bute Mews. The scheme benefits include the removal of the derelict garages, the clearance of dense undergrowth and an improvement in the transition between the site and Northway Gardens as well as the resurfacing of Bute Mews.

4. Public Consultation

112 consultation letters were sent to neighbouring properties.

A site notice was erected on 12 January 2017.

A press notice was published on 12 January 2017.

25 responses have been received, comprising 21 letters of objection and 4 letters of support.

The objections received can be summarised as follows:

- Overdevelopment of the area
- Not suitable for residential use
- Impact on traffic and parking including deliveries to the rear of the parade
- Inadequate provision and access of refuse
- The garages are in use, contrary to documents submitted with the application
- If minded to approved, development should be car free
- Restriction of access will detrimentally impact business on the Market Place and may lead to their demise.
- Impact the views of the park
- Creation of noise, pollution, disruption and traffic during demolition and construction period
- Potential complaints from deliveries in the evening
- Impact safety and security
- Site may deteriorate into its present condition and may risk health to residents of new housing
- Apartments will overshadow new housing
- Council need to take action to clean up the area
- Provision for deliveries to existing shop units not addressed
- Parking provision for shop tenants car/vans not addressed

- Refuse provision not been provided
- Parking provision for residential units above shops not provided
- No management scheme for future management of Bute Mews and responsibility for repairing the presently dilapidated units
- Intrusion of privacy of public users of the park
- Development would affect Northway Gardens outlook
- Impact amenities of occupiers of residential flats of the Market Place including being a visually obtrusive and overbearing form of development; loss of privacy; loss of view of the park;
- Impact character of the surrounding area

The representations received can be summarised as follows:

- Will improve condition of the road and enhance area
- Hope the whole area if cleaned up
- Sensitive development
- Suggested conditions in the event of an approval: complete take up of roadway, checking and repairs to drainage, road constructed at lower level than existing, provision of paladin bin stores, provision of gates to rear of retail units, Bute Mews should be lit by street lights, appearance of rear of shops should be improved, lorries and heavy vehicles should be banned, green space should be provided, security barrier either end of the Mews should be provided

Representations included a petition of 26 signatures.

Hampstead Garden Suburb Residents Association have raised the following concerns following a meeting held on the 1st March 2017. These included: density of development, overdevelopment of the site, conflict with Hampstead Garden Suburb Act 1906, cramped, visually intrusive and overbearing, out of character, dormers too large, doesn't comply with design guidance, low level of amenity for houses, loss of vegetation, gardens are small, question suitability of planting, loss of trees, risk of paving over green areas, unclear impact of gates onto the Park, concerns with capacity and ability of road to manage deliveries, removal of Japanese Knotweed to be conditioned in the event of an approval, concerns of rubbish collection, question responsibility of future fly tipping and on-going maintenance, concerns of access, impact of reduced access on viability on shops, concerns of highways and parking, lighting impact on character and wildlife, general disruption and impacts during demolition and construction works, comments on architects response consultee comments.

Councillor Sargeant has objected to the proposal stating: the proposal is not the answer to the problem of being poorly maintained. Garages well used and occupied by businesses, they are key to their survival. There is insufficient space for proposed development and existing uses for such things as garages, car parking and refuse collection. Impact on parking and traffic in Bute Mews and surrounding Northway and Kingsley Way. Further development on the site will cause additional problems. The houses will have basements and thus three storeys onto the park. Houses will have entrance onto path which is part of the public parkland. This is a regularly used park.

Councillor Marshall has recommended two conditions in the event of an approval; to secure repair of private road and to ensure weekly bin collections.

Metropolitan Police (Design Out Crime Office): Confirmed satisfaction with the scheme.

Council's Recycling and Waste Service: No issues in relation to collections at this proposed development. No objection.

Sustainable Drainage team: As a 'Minor development' it does not require the use of SuDS. Planning Officers consider that other concerns raised in regards to drainage could be adequately addressed as a condition, or have been attached as an informative.

Council's Environmental Health: Acceptable subject to conditions.

Greenspaces and Streets (Public Trees): No public trees impacted by the development. No objection.

London Fire and Emergency Planning Authority: The Brigade is satisfied with the proposals for fire fighting access.

Highways: Upon amendments and further clarification, deemed acceptable subject to conditions.

Transport for London: TfL is content that the development can be accommodated by the public transport network. The submitted construction methodology is reasonable. The parking ratio per unit is too high if the development is to seek to encourage sustainable transport. Cycle parking details and servicing arrangements to be provided.

Hampstead Garden Suburb Conservation Area Committee: Recommend approval subject to detailing.

Hampstead Garden Suburb Trust: Although not a formal consultee, Planning Officers are aware the Trust support the proposed scheme.

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, CS3, CS4, CS5, CS6, CS7, CS9, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM15, 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

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

Residential Design Guidance SPD (adopted 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:

- The principle of development
- Whether harm would be caused to the character and appearance of the the street scene and the wider locality and conservation area;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.
- Impact on Metropolitan Open Land
- Whether harm would be caused to the health and quality of trees
- Refuse/Recycling Issues
- Whether the development would impact traffic and highways to an unacceptable level
- Whether the proposals would have harmful impact on ecology

- Whether the proposals would harmfully increase flood risk
- Whether the proposals would harm local security
- Sustainability/Environmental Issues
- Section 106 Issues

5.3 Assessment of proposals

1. Principle of development and redevelopment of the site:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy (2012) expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the demolition of two existing garage blocks on site and their replacement with a terrace of six new dwellings.

The agent advises that the garages are currently used for storage and for no other purpose. The garage blocks are considered to be in a poor state of repair, as noted in the Hampstead Garden Suburb Conservation Area Character Appraisal (2011) which states: Bute Mews...is particularly poorly maintained and there are opportunities for improvement here.

Paragraph 17 of the National Planning Policy Framework (2012) states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The scheme would constitute the re-use of previously developed (brownfield) land. The site of Bute Mews and the garage blocks is not considered to be of a high environmental value. As such it would be an acceptable form of development subject to the other considerations of development plan policy.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access. It is considered by Officers that the proposed development would give rise to opportunities for improvement, subject to planning conditions and obligations.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

In terms of the impact on the Market Place Town Centre, the proposals would replace existing garages within a service road. The proposed development would retain access to the rear of businesses on Falloden Way. The proposals would introduce additional residential use close to the town centre replacing derelict garages. This would have, if anything, a positive impact on the vitality and viability of the town centre.

It should be noted that at the time of writing the report, discussions are on-going between the Council's Greenspaces Team and the applicant regarding access to Northway Gardens from the proposed development.

As such the principle of redevelopment of the site is deemed acceptable.

2. Design, appearance and character matters and impact on character and appearance of conservation area and wider area:

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Policy CS1 of Barnet's Core Strategy (2012) states that will seek the highest standards of urban design in order to generate development proposals of landmark quality. Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM01 of the Council's Development Management Policies (2012) states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

Policy DM06 of the adopted Development Management Documents DPD (2012) states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The site falls within the Hampstead Garden Suburb Conservation area, which is considered 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 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 applicant's submission has explained how a study of the character of the area helped inform the design proposals through the use of red stock brick, roof tiling, lead dormers, chimneys, and painted casement windows and doors.

The garage blocks are not statutory or locally listed structures, and in their current condition provide a limited contribution to the character and appearance of the conservation area.

The frontage block, No. 14 - 56 (even) The Market Place, is a designated locally listed building, developed in 1933 to designs by C. G. Butler. The rear of the parade has been altered and extended over time and the service road is currently in poor condition and visually cluttered.

The garage buildings are not visible from the frontage and street scene of the Market Place/Falldon Way. The garage buildings are partially visible from the archways of Kingsley Way and Northway. It is deemed their poor condition of the garages detract from the character and appearance of the open green space to the rear. The garages as existing have limited contribution to the setting of the locally listed building.

Although the proposed development would represent an increase in built form on the site, by reason of its height, the proposed development would continue to maintain a subordinate relationship to C. G. Butler's three storey terrace. Its siting and form would continue to maintain the established pattern of development of back land buildings.

The proposal would reflect the general principles of design detailing in respect of building forms including the roof shape, the use of materials, subordinate dormers and the fenestration pattern in general.

The proposed basements would not be visible from the private road of Bute Mews, and would have limited impact on the character and appearance of Northway Gardens as it would be obscured by the proposed 1.8 metre high boundary treatment bordering the rear of the site.

The proposed development would also include a re-landscaping of the hard surface area within Bute Mews. This has become degraded over time and is now poor quality. This is proposed to be secured by section 106 agreement. Soft landscaping is also proposed.

Overall it is considered that the proposed redevelopment would contribute to a marked improvement to the setting of the locally listed building, open green space to the rear and the general character and appearance of this part of the conservation area.

As such it is deemed the proposed development would preserve and enhance the character and appearance of the conservation area, in accordance with Policy DM06.

There would not be a harmful impact as a result of the proposals on the significance of nearby locally listed buildings and non-designated heritage assets.

Conditions have been recommended to ensure that the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance, conservation and landscaping matters.

3. Quality of accommodation for future occupants:

Policy DM01 of the Development Management Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance, both updated 2016) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

Dwelling size:

The units proposed would both have gross internal areas which meet the requirements of the London Plan for a dwelling of that type.

Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

It is considered that all of the dwellings proposed in this instance have an acceptable degree of outlook.

External amenity space provision:-

All dwellings proposed would have access to their own private external amenity space.

It is noted that the proposed dwellings, excluding the end of the terrace property to the west, would not meet the Council's requirements on the provision of private amenity areas.

However, Officers note that the proposed development is in very close proximity to Northway Gardens and wider linear park of Hampstead Garden Suburb, which includes recreation and sports facilities, as well as play space. On balance, this is deemed acceptable.

Privacy and overlooking:-

Barnet's Sustainable Design and Construction SPD (2016) contains standards of distancing for new development to prevent overlooking and loss of privacy.

To the front elevation the development would be of a single storey and therefore no overlooking would arise from the first floor windows of the flats at the Market Place. The rooflights on the front roofslope would not serve a habitable room.

Although the ground floor habitable rear windows of the proposed dwellings would be in close proximity to the public park, it is considered the proposed 1.8 metre high boundary treatment would adequately preserve the amenities of future occupiers.

By reason of the public park, the development would be sited an adequate distance from the dwellings located on Litchfield Way and Kingsley Close.

It is considered the design and layout of the windows, doors and amenity areas in the dwellings proposed is such that, subject to the provision of suitable boundary treatments and soft landscaping secured through conditions, the new residential units would be provided with an acceptable level of privacy and not suffer unacceptable overlooking.

Daylight and sunlight:-

On the basis of the proposed layout, arrangement and design of the units, in addition to the orientation of the proposed dwellings, it is considered that the proposed development would provide adequate daylight and sunlight to future occupiers.

Conclusions on the amenities of future occupiers:-

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

4. Impact on amenity of neighbouring occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

It is considered that the impact on surrounding residential units in Market Place would be limited. The residential accommodation in this neighbouring building is situated at first floor level and above. As a single storey development with windows at ground floor (to the front) it is not considered the proposed dwellings would give rise to unacceptable harm to the visual or residential amenities.

By reason of the public park, the development would be sited an adequate distance from the dwellings located on Litchfield Way and Kingsley Close not to impact the amenities of these occupiers.

The dwellings would have roof dormers at first floor facing Northway Gardens. There is however no specific plan policy precluding residential development being located next to public parks or protecting the privacy of park users. As such this would not constitute a reason for refusal.

5. Impact on Metropolitan Open Land:

The proposed development would be constructed on land that runs adjacent to land designated as Metropolitan Open Land (MOL) in Northway Gardens.

Although MOL land is not green belt, the Development Plan sets out a policy presumption for its safeguarding from inappropriate development.

Policy DM15 of Barnet's Development Management Document DPD (2012) states that development adjacent to green belt or MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

When viewed from Northway Gardens, the site is currently dominated by mature and semi mature trees of varying heights, sizes and quality as well as planting.

Together, these contribute to a verdant landscaped setting which is in keeping with Northway Gardens which is a well-kept landscape of high quality visual amenity.

The application site is located on an elevated land level compared to Northway Gardens and Officers acknowledge that to some extent the development would lead to a form of development that has greater visibility when viewed from the park due to its siting, form, appearance and size.

However, it is considered that there would not be any encroachment and given the character and appearance of the development which is being designed to appear consistent with Hampstead Garden Suburb principles, it is deemed that the attributes of the MOL land would be adequately maintained.

6. Impact on trees:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping and states that trees should be safeguarded.

There are a number of trees both within and outside of the site. There are no Tree Preservation Orders on site. As the site falls within a conservation area any trees on the site and neighbouring sites are subject to planning control.

The proposal requires the loss of 2 medium value trees (T1 & T2 on the applicants plan) that the applicant's report identifies as previously approved for removal. Both these trees are growing very close to the existing buildings and their long term viability is not assured. The remaining trees are small hawthorn and elder trees growing in a shrubby area. While the value of these trees is low they do provide a good buffer between the park and the built environment giving the open space a feeling of being larger. Therefore a landscaping condition has been attached to secure satisfactory replacement.

Japanese knot weed is present on the site and as such comes under the Environmental Protection Act 1990. A condition requiring the submission of a method statement for the treatment/control of Japanese Knot Weed has been attached to this approval.

Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the conservation area. Subject to these conditions, trees and landscaping matters are deemed acceptable.

7. Impact on Ecology

The neighbouring park is a site of Local Importance for Nature conservation.

The applicant has submitted a Preliminary Ecological Appraisal in support of the scheme. This recommends that additional surveys in relation to bats are undertaken.

Additional surveys have been carried out. The survey advises that the garages are considered to provide bats with Moderate Suitability for roosting bats. The activity surveys revealed that no bats are currently roosting within the building. This has been referred to the Ecology Team for their comments and any additional comments will be reported to the committee in the addendum.

There may be some initial disruption to nesting birds however in the longer term when hedges are established this will be mitigated and possibly improved. Bat boxes would be incorporated within the development.

Japanese Knotweed has been noted on site and a condition is attached to secure its safe removal.

Policy DM16 requires development schemes to make improvements to biodiversity. A condition is suggested to ensure that these are achieved as well as ensuring that the interface between the site and neighbouring park is managed appropriately.

8. Impact on Flood Risk

The site is not located within a designated Flood Risk Area but is located in close proximity to Mutton Brook. Consultation has taken place with the Environment Agency and the Lead

Local Flood Authority. A condition is suggested in order to ensure that Sustainable Urban Drainage Systems (SUDS) are incorporated.

9. Impact on refuse and recycling:

The applicant has submitted an Outline Site Waste and Servicing Plan.

Refuse and recycling storage has been provided for each proposed dwelling.

New timber refuse enclosures to house both general waste and recycling bins for the existing residential units (16A/B to 56A/B Falloden Way) and the existing retail units separately. This proposal will 'tidy' up and rationalise the current refuse arrangement observed on the site.

Currently refuse collection is undertaken once a week by the London Borough of Barnet, with refuse trucks reversing into Bute Mews from Northway.

The applicants report states that given the low number of residential units for the proposed development, a significant increase in the number of servicing vehicles is not expected nor would it require a separate refuse collection. The report states that refuse collection can be part of the existing collection arrangement at the site, with refuse vehicles anticipated to have a slightly longer dwell times to collect the additional refuse and recycling from the new dwellings.

The Council's Recycling and Waste Service have confirmed they raise no objection to the proposed servicing arrangement.

Notwithstanding the information submitted by the applicant, a condition has been recommended to secure a satisfactory refuse and recycling strategy and ensure adequate refuse and recycling facilities are provided at the proposed development.

10. Highways and Parking:

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 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 states that 1.5 to 1 car parking spaces will be expected for terrace houses and flats (2 to 3 bedrooms).

The proposal provides 8 car parking spaces, in accordance with these standards.

Bute Mews is a two-way private road with no right of access to the public. It is understood that apart from the dedicated parking area to the rear of the veterinary clinic and the existing garages at the site, there are no existing rights to park in the service road area.

Notwithstanding this the applicants transport assessment submitted in support of the application has demonstrated that the level of car parking is to be provided in accordance with the London Borough of Barnet parking standards and vehicle track plots completed for the proposed site arrangement have demonstrated that suitable access is provided and will not impact on the existing operation of the private road.

There is currently no management located on the site, deliveries and servicing is generally sporadic located along Bute Mews. The potential addition of dedicated signed loading areas are expected to be self-enforceable and for this reason the applicant has recommended clear markings with coloured surfacing or hatching. The applicant also advises that a contact number to an off-site management company will be made available to existing tenants and new residents, in order to report any issues experienced along the mews.

As such, Highways department have recommended approval subject to conditions.

11. Sustainability Issues

The London Plan Housing SPG (March 2016) states that "new build housing should meet building Regulation requirement M4(2)". As the proposal involves the demolition of the existing building and the construction of a new building it is considered that it is necessary to apply this standard.

In order to comply with part M4(2), the flats would need to provide level access (lifts). The Housing SPG accepts that "in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents". If proposals do not include step free access then the Housing SPG (March 2016) requires that the applicant should clearly demonstrate that achieving step free access would make the development unviable or would mean that service charges are not affordable for the intended residents; the Local Planning Authority would assess this accordingly.

In their covering letter the applicant has suggested that the proposals would only be able to attain M4(1), but has not specified why it would not be viable for the scheme to achieve M4(2). Therefore further information has been reported on this issue and will be reported to the committee in the addendum to the report.

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).

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a CO2 reduction in line with Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

12.Noise/Air quality and Environmental Issues

The applicant has submitted an outline Construction Management Plan. Whilst this sets out a basis for how the development will be constructed finalised details are required and a condition is attached ensuring that this is followed through. Access for construction purposes would be from Northway and Kingsley Way. The applicant would ensure vehicles used for construction would be appropriate for using these access points.

Having evaluated the information submitted the Council's Environmental Health department are have recommended approval subject to conditions.

The proposals lower ground floor level would involve some excavation. The site is not within an area where there is a known hydrogeological issues, the site is located within an area of clay. Therefore no objections are raised.

13. Safety and Security:

The design and layout of the development proposed is considered to be such that it would provide a safe and secure environment for users of the proposed buildings and surrounding properties. The Metropolitan Police (Design Out Crime Office) have confirmed satisfaction with the scheme.

14. Section 106 Issues

The proposals would necessitate contributions towards hard surface improvements and towards playspace which are included within the proposed section 106 heads of terms.

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sqm on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

5.4 Response to Public Consultation

Planning Officers acknowledge that Transport for London have stated that the parking ratio per unit is too high if the development is to seek to encourage sustainable transport. However, on the basis that the development is compliant with LB of Barnet's parking standards as set out in Policy DM17 of the Development Management Policies Document DPD (2012) which is applied to applications in the Borough, the proposal is deemed acceptable.

In regards to neighbour consultee comments, the responses are as follows:

- Overdevelopment of the area

Although the proposal would result in an increase of built form on the site it is not considered that the proposal would result in overdevelopment.

- Not suitable for residential use

As addressed in the main body of the report, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

- Impact on traffic and parking including deliveries to the rear of the parade

Bute Mews is a two-way private road with no right of access to the public. It is understood that apart from the dedicated parking area to the rear of the veterinary clinic and the existing garages at the site, there are no existing rights to park in the service road area.

Notwithstanding this the applicants transport assessment submitted in support of the application has demonstrated that the level of car parking is to be provided in accordance with the London Borough of Barnet parking standards and vehicle track plots completed for the proposed site arrangement have demonstrated that suitable access is provided and will not impact on the existing operation of the private road.

There is currently no management located on the site, deliveries and servicing is generally sporadic located along Bute Mews. The potential addition of dedicated signed loading areas are expected to be self-enforceable and for this reason the applicant has recommended clear markings with coloured surfacing or hatching. The applicant also advises that a contact number to an off-site management company will be made available to existing tenants and new residents, in order to report any issues experienced along the mews.

- Inadequate provision and access of refuse

Currently refuse collection is undertaken once a week by the London Borough of Barnet, with refuse trucks reversing into Bute Mews from Northway.

The applicants report submitted in support of the application states that given the low number of residential units for the proposed development, a significant increase in the number of servicing vehicles is not expected nor would it require a separate refuse collection. The report states that refuse collection can be part of the existing collection arrangement at the site, with refuse vehicles anticipated to have a slightly longer dwell times to collect the additional refuse and recycling from the new dwellings.

Refuse and recycling storage has been provided for each proposed dwelling.

New timber refuse enclosures to house both general waste and recycling bins for the existing residential units (16A/B to 56A/B Falloden Way) and the existing retail units separately. This proposal will 'tidy' up and rationalise the current refuse arrangement observed on the site.

The Council's Recycling and Waste Service have confirmed they raise no objection to the proposed servicing arrangement.

- The garages are in use, contrary to documents submitted with the application

Notwithstanding that the garages may be in use, the redevelopment of the site has been deemed acceptable in planning terms, as discussed in the main body of the report.

- If minded to approved, development should be car free

It is not considered reasonable in this particular instance that the proposed development is made to be car-free. The application has been found acceptable in accordance with car

parking standards set out in Policy DM17 of Barnet's Development Management Policies Document DPD (2012).

- Restriction of access will detrimentally impact business on the Market Place and may lead to their demise.

As stated above, Bute Mews is a two-way private road with no right of access to the public. It is understood that apart from the dedicated parking area to the rear of the veterinary clinic and the existing garages at the site, there are no existing rights to park in the service road area.

As such, it would not be reasonable to refuse the application on this basis.

- Impact the views of the park

The Royal Town Planning Institute advises that views are not a material planning consideration. Therefore the application would not be refused on this basis.

- Creation of noise, pollution, disruption and traffic during demolition and construction period

The applicant has provided an outline Construction Management Plan. The Council's Highways department and Environmental Health department have confirmed that they are satisfied with this information. TfL have also confirmed that they believe the submitted construction methodology is reasonable.

A full and thorough Construction Management Plan will be required to be submitted as a condition in the event of an approval. It is considered that subject to conditions, the application is deemed acceptable with regard to impact from demolition and construction.

- Potential complaints from deliveries in the evening

There is currently no management located on the site, deliveries and servicing is generally sporadic located along Bute Mews. The Council's Environmental Health department can be contacted in the event deliveries are causing a nuisance to existing and future occupiers.

It is not considered this would constitute a reason for refusal in this instance.

- Impact safety and security

The design and layout of the development proposed is considered to be such that it would provide a safe and secure environment for users of the proposed buildings and surrounding properties. The Metropolitan Police (Design Out Crime Office) have confirmed satisfaction with the scheme.

- Site may deteriorate into its present condition and may risk health to residents of new housing

In the event this occurs, residents are advised to contact the Council's Environmental Health department.

- Apartments will overshadow new housing

Habitable accommodation within the proposed dwellings is located predominantly to the rear, facing the park and as such would not be unduly overshadowed by the existing terrace on the Market Place.

- Council need to take action to clean up the area

This is not a matter specific to this planning application and would not in itself constitute a reason for refusal.

- Provision for deliveries to existing shop units not addressed

This has been addressed in the applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd, and is deemed acceptable.

- Parking provision for shop tenants car/vans not addressed

This has been addressed in the applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd, and is deemed acceptable.

- Refuse provision not been provided

This has been addressed in the applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd, and is deemed acceptable.

- Parking provision for residential units above shops not provided

This has been addressed in the applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd, and is deemed acceptable.

- No management scheme for future management of Bute Mews and responsibility for repairing the presently dilapidated units

The applicant advises they do not have ownership of the remaining garage blocks.

The applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd advises on the management and control of parking.

- Intrusion of privacy of public users of the park

The dwellings would have roof dormers at first floor facing Northway Gardens. There is however no specific plan policy precluding residential development being located next to public parks or protecting the privacy of park users. As such this would not constitute a reason for refusal in this particular instance.

- Development would effect Northway Gardens outlook

It is not considered the proposed development would impact the visual amenity or character of the green open space and designated MOL land.

- Impact amenities of occupiers of residential flats of the Market Place including being a visually obtrusive and overbearing form of development; loss of privacy; loss of view of the park

It is considered that the impact on surrounding residential units in Market Place would be limited. The residential accommodation in this neighbouring building is situated at first floor level and above. As a single storey development with windows at ground floor (to the front) it is not considered the proposed dwellings would give rise to unacceptable harm to the visual or residential amenities. Views are not a material planning consideration.

- Impact character of the surrounding area

As assessed in the main body of the report, it is not considered the proposed development would impact the character and appearance of the surrounding area, conservation area or adjacent locally listed building.

- Suggested conditions in the event of an approval: complete take up of roadway, checking and repairs to drainage, road constructed at lower level than existing, provision of paladin bin stores, provision of gates to rear of retail units, Bute Mews should be lit by street lights, appearance of rear of shops should be improved, lorries and heavy vehicles should be banned, green space should be provided, security barrier either end of the Mews should be provided

These suggestions are noted and have been applied where they are considered to meet the 6 tests as set out in Paragraph 206 of the National Planning Policy Framework (2012).

It is considered that the majority of the Hampstead Garden Suburb Residents Association concerns have been addressed above or in the main body of the report. It is not considered the application would represent over intensification or overdevelopment of the site. Any conflict with Hampstead Garden Suburb Act 1906 would not constitute a reason for refusal in this particular instance. It is not considered the development would appear cramped, visually intrusive or overbearing. It is not considered it would impact the character and appearance of the area. The dormers have been reduced in size upon amendments, and Planning Officers are satisfied with these changes. Overall the application is found compliant with development plan policy. The dwellings have been found to provide an acceptable level of amenity for future occupiers. Landscaping replacement can be attached as a condition in the event of an approval. The Local Planning Authority are satisfied with proposed arrangements in regards to access and the road improvements. Japanese Knotweed has been attached as a condition. Refuse matters have been found to be acceptable. It is not considered the proposal would impact the viability of the shops. Any proposed lighting would be assessed separately.

In regards to Councillor Sargeant's comments, it is not considered the proposal would impact the viability of the shops. The application, as assessed, has been deemed acceptable in terms of parking, highways and waste collection. By reason of its design and appearance the dwellings would not appear unduly large when viewed from the park.

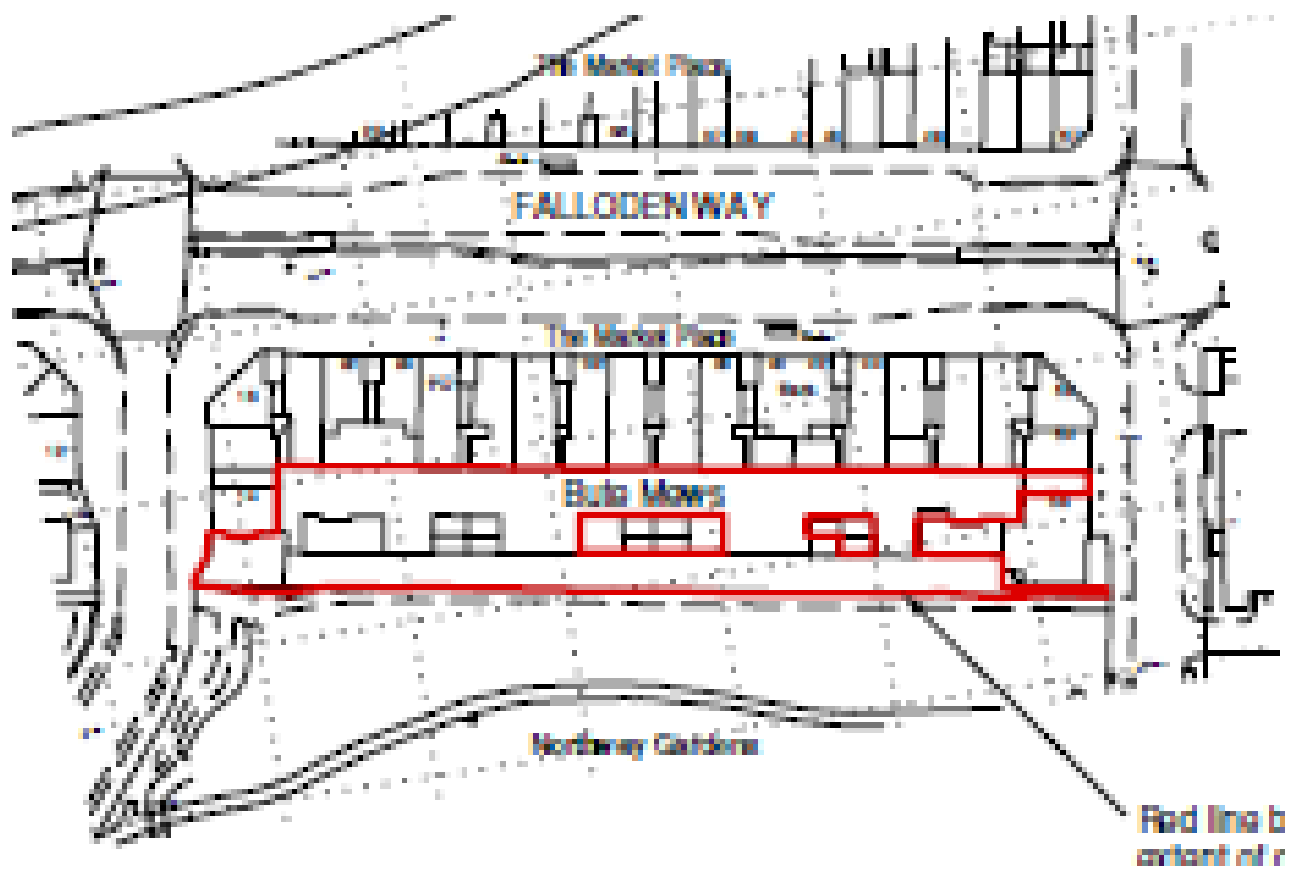
In regards to the Councillor Marshall's comments, these can be secured as planning conditions or in a planning obligation in the event of an approval.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.



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

Reference: **17/2924/CON**

Received: 8th May 2017

Accepted: 8th May 2017

Ward: Garden Suburb

Expiry 3rd July 2017

Applicant: Daniel Netzer

Proposal: Submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17

AGENDA ITEM 14

Recommendation: Approve

RESOLVED that the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

Informative(s):

- 1 The plans accompanying this application are: Construction Management and Logistics Plan Rev 2.
- 2 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.
- 3 The developer is informed that a gantry on or abutting the public highway requires a licence. To make an application for a gantry licence please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
- 4 The applicant is advised that Finchley Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to

the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

- 5 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

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: 16/7565/FUL

Address: 1069 Finchley Road, London, NW11 0PU

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

Decision: Approved following legal agreement.

Decision Date: 04 May 2017

The applicant has submitted details relating to other conditions which have been reviewed by the Local Planning Authority as part of separate applications.

3. Proposal

The application is for the submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17.

The planning application was approved by the Finchley and Golders Green Area Planning Committee on the 9th March 2017 subject to completion of a Legal Agreement and the decision was issued on the 4th May 2017.

Following discussion of the item at the Committee meeting, members requested that if officers were to recommend approval of the Construction Management Plan, details of this condition should be referred to the Committee for assessment.

4. Public Consultation

No consultation letters were sent to neighbouring properties as it is not standard practice to do so for an application for the submission of details of conditions.

The Council's Highways and Environmental Health teams were consulted and both teams reviewed the Construction Management and Logistics Plan. The comments from Highways and Environmental Health are discussed in detail below.

5. Policy Context

Relevant Development Plan Policies:

- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS9, CS13, CS14, CS15.
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM04, DM17.
- Residential Design Guidance SPD (October 2016)
- Sustainable Design and Construction SPD (October 2016)

6. Assessment

Condition 19

Condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17 reads as follows:

"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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan."

A document titled 'Construction Management and Logistics Plan' concerning 1069 Finchley Road, NW11 0PU revision 2 (received by the Local Planning Authority 3rd July 017) was submitted as supporting information with the application.

Barnet's Highways Officers and Barnet's Environmental Health Officers assessed the document and, following clarifications within the document, there were no objections on highways or environmental health grounds.

The Environmental Health Officer required clarification on the following from the applicant :

- Confirmation that all Non Road Mobile Machinery (NRMM) will comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 and proof within the contractor's specification that all NRMM will be registered on the local government website. This was agreed.
- Confirmation of whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation. The applicant confirmed that a mobile crusher will not be used on site.
- 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, contact details on hoarding and confirmation that bonfires would not be permitted on the site. The applicant agreed with all the above.

In light of the above, in particular confirmation that the applicant employs best practicable mean to minimise the disturbance to neighbouring occupiers, Environmental Health officers recommend approval of the details provided for this condition.

As part of their assessment, Highways officers have engaged in formal discussions with the agent to minimise the disruption to local Highways. It is also noted that the proposed site lies within a Strategic Road Network and therefore TfL must be informed of the application by the applicant; this has been added as an informative.

In addition, Highways officers required the following clarification from the applicant, which has been included in the amended CMP:

- Use of a banksman on all deliveries.
- BT box on the corner of the vehicular entrance to the site will need to be plated as protection from delivery vehicles mounting the pavement.
- Deliveries are to be planned so that vehicles do not have to wait along Finchley High Road to be admitted into the site, as this would cause disruptions to road users and local businesses.

In addition, the applicant must apply for a gantry licence; details of this have been added as an informative. A bond to cover any damage caused to the footway must be provided by the applicant. This is fully refundable upon completion of the works, should there be no damage caused to the footway. Finally, a condition survey will be required to be

undertaken prior to the commencement of the works to ascertain the existing state of the footway; an informative has been added to the recommendation.

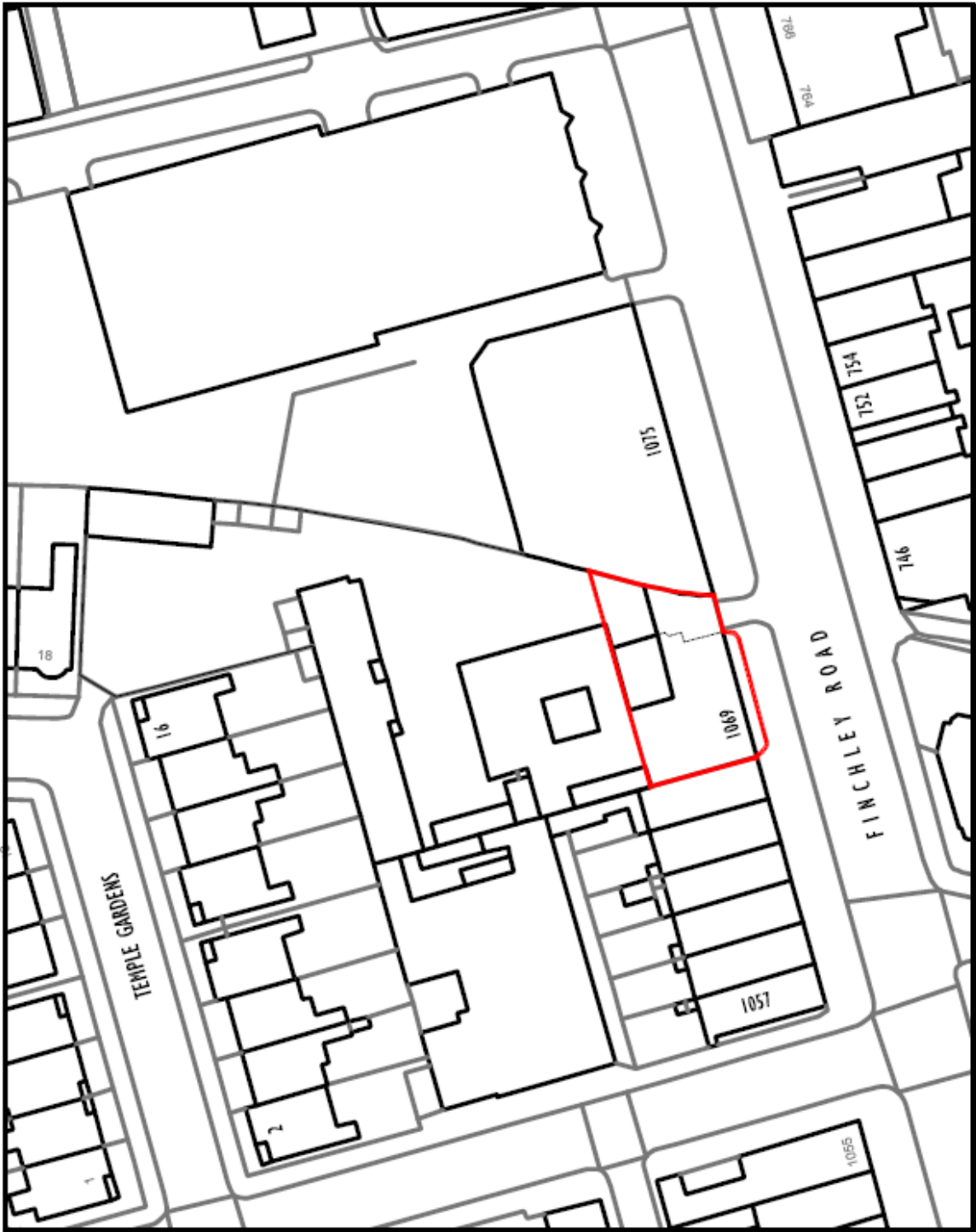
Highways officers also recommend approval of the details provided for this condition.

7. Response to Public Consultation

N/A

8. Conclusion

It is considered that sufficient information has been submitted to approve Condition 19 (Demolition, Construction and Traffic Management Plan) pursuant to planning permission 16/7565/FUL dated 04/05/2017.



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Location 69 Friern Watch Avenue London N12 9NY

AGENDA ITEM 15

Reference: 17/0490/HSE

Received: 27th January 2017

Accepted: 30th January 2017

Expiry 27th March 2017

Ward: Woodhouse

Applicant: Mr & Mrs Kaplan

Proposal: 4no roof lights to front elevation, 2no rooflights to side elevation and 3no rooflights to rear elevation to facilitate a loft conversion. Two storey side extension following demolition of existing garage. Part single, part two-storey rear extension. New front porch

Recommendation: Approve subject to conditions and for the Committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

PA_001 REV A

PA_002 REV A

PA_003 REV A

PA_004 REV A

PA_005 REV A

PA_006 REV A

PA_007 REV A

PA_008 REV A

PA_009 REV A

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

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

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

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

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

4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 67 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).

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

Members will recall that this application was reported to the Finchley and Golders Green Planning Committee at its' last meeting on the 14th of June 2017, where it was resolved to defer consideration of the application so that Members could visit the site.

The site visit has now been done and the previous recommendation is submitted for consideration. The previous report is attached as an appendix.

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 67 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).

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 relates to a semi-detached single family dwelling situated in the north side of Friern Watch.

The property is not listed or situated within a conservation area.

2. Site History

None

3. Proposal

The proposals under this application include:

- A part single, part two storey rear extension. At ground floor level the rear extension will have a depth of 5.2 metres and a width of 6.6 metres. The ground floor will have a height of 2.7 metres to eaves level and a maximum height of 3.8 metres. At first floor level, the rear extension will have a depth of 3 metres and a width of 5.6 metres. The height of the first floor rear extension will be 5.7 metres to the eaves level and a maximum height of 7.7 metres.
- A part single, part two storey side extension. At ground floor level the side extension will have a depth of 9.1 metres and a width of 4.3metres. The ground floor will have a height of 2.3 metres to eaves level and a maximum height of 3.3metres. At first floor level, the side extension will have a depth of 7.1 metres and a width of 3.4 metres. At first floor level, the eaves of the side extension will be 5.7 metres and the maximum height will stand at 8.6 metres. There is a set down from the main ridge line of approximately 0.5 metres.
- The erection of a new front porch with a square footage of 3 metres and an eaves height of 2.3 metres with a maximum height of 3 metres. The porch will extend forward of the established front elevation by 1 metre at a width of 2.4 metres.
- 4No. roof lights to be added to the front elevation , 2No. Roof lights to be added to the side elevation and 3 No. roof lights to be added to the rear elevation to facilitate a loft conversion

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties.

1 response was received during consultation amounting to a letter of OBJECTION which can be summarised as follows:

- the proposals would lead to a loss of light and heightened sense of enclosure
- the plans provided are not accurate in relation to the size of extensions at the proposal site and the neighbour extensions at No. 67.
- issues of character

-the proposals would constitute overdevelopment of the site.

The application was called to committee by Councillor Hutton on the 27th of March 2017 to ascertain the impact of the proposals on the amenities of the neighbouring residents and to ascertain whether or not the proposals would be stylistic of the local area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

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

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

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

5.2 Main issues for consideration

The main issues in this case are considered to be covered under two main areas:

Impact on the character and appearance of the property and general locality (Principle):

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The Council's Residential Design Guidance SPD outlines that extensions to houses can have a profound effect on the appearance of an area. In regard to character, Policy DM01

of the Council's Development Management Policies outlines that development proposals should be based on an understanding of local characteristics and seek to preserve or enhance local character. Further, the Council's Residential Design Guidance SPD outlines that extensions should not be unduly overbearing or prominent and should normally be subordinate to the existing dwelling.

Planning permission is sought for a part single, part two storey side and rear extensions, the erection of a new front porch and a rear dormer extension to facilitate a loft conversion. It is noted that the proposals under this application are designed to be of similarity to the extensions at the neighbouring property at No. 67. Other examples of similar extensions exist at No. 64. Additionally, the two storey side and rear extension has been moved away from a pre-existing ground and first floor bay window during the process of this application in order to facilitate the appearance of subordination. As such, in its' current form, the structure is deemed to be an appropriate subordinate feature to the original dwellinghouse as well as the street scene and wider locality.

Loft conversions involving dormer windows are common along Friern Watch Avenue and as such, the uses of roof lights are deemed to form an appropriate addition to the dwelling house and the street scene. It is noted that a dormer was removed from the application through amendments as to ensure the character of the original dwellinghouse was protected and that the host site did not enter a state of overdevelopment.

Porches are not characteristic of the area; however the proposed shape incorporating a pitched roof structure would respect the character of the proposal site and also the wider locality of Friern Watch Avenue. It is also noted that the porch extending outward of the current front elevation of the property will not impact the established street scene of the property for bay window features already exist to the eastern side of the current entrance and as such, the street scene will not be negatively impact through the erection of a new front porch.

As such, it is not found that the proposals under this scheme would have a negative impact on the street scene or the wider locality.

Impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites. Any subsequent application should include plans demonstrating how this has been achieved. Specific areas which will need to be addressed in this regard include the proposals impacts on daylight and sunlight.

At ground floor level the rear extension will be built up to the common boundary shared with No. 67 however, as this property has already extended, the proposals under this application will not extend beyond the pre-existing extension at this site. It is noted that the proposal is to replace an existing garage at the site and therefore no change will be experienced in terms of depth under the proposals than what is existing on site.

The extension to the rear is set away from the common boundary shared with No. 71 by approximately 4.5 metres and therefore this neighbouring amenity is also protected in this respect of the plan. The first floor element of the rear proposals is set away from the boundary by the same distances as it's' ground level counterpart. At first floor level, the rear extension is set away from the common boundary shared with No. 67 by 1.4 metres and thus any impact to neighbouring amenity should be avoided.

The side extension is again to be built up to the common boundary shared with No. 67 and will not be visible from No. 71 and as such, it is not found that these proposals will have a detrimental impact on either neighbouring properties amenities'. At first floor level, the side extension is set away by 2.2 metres from the front elevation of the property, and it set away by 1.4 metres from the common boundary shared with No.67 and 2 metres from the nearest side wall to this neighbouring property. There are no windows serving this elevation on the property at No. 67 and as such this neighbour will not experience a loss of light, privacy, and outlook nor would the structure appear overbearing in this respect.

Additionally, the roof lights to be used in order to facilitate the loft conversion will not protrude the roof slope by more than 150cm and as such, will not have a negative impact on the amenities of the neighbouring residents in this respect. Moreover, the rooflights to be added to the side elevation will be obscurely glazed as to protect neighbouring amenity.

Due to the size and siting of the porch, located between the aforementioned ground floor side extension and a pre-existing bay window at ground floor level, it is not found to have a detrimental impact on the amenities of either neighbouring occupier.

5.4 Response to Public Consultation

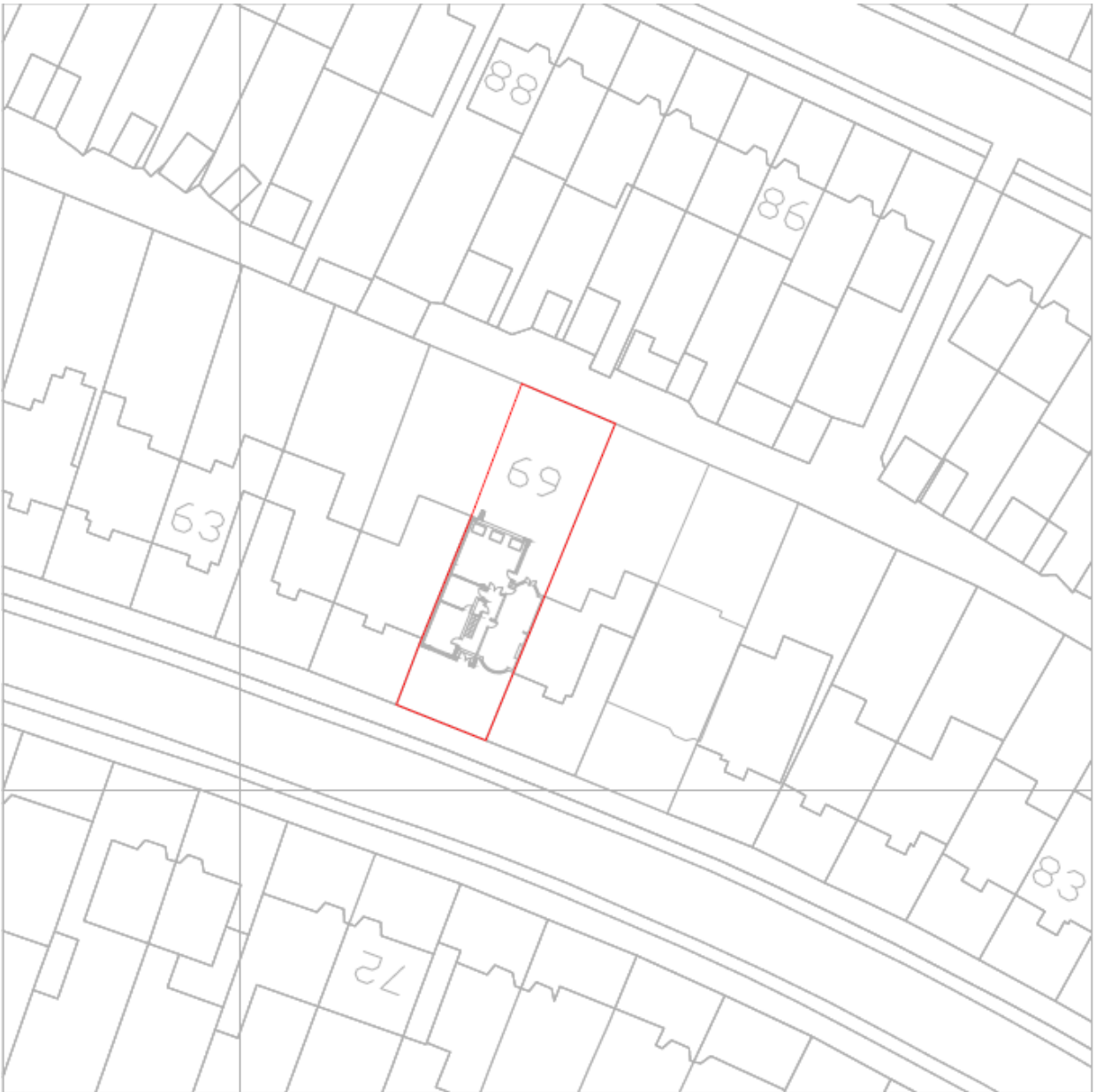
Comments have been addressed in the body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location **18 St Johns Road London NW11 0PG**

Reference: **17/2629/FUL**

Received: 24th April 2017

Accepted: 25th April 2017

Ward: Golders Green

Expiry 20th June 2017

Applicant: Mr OFIR

Proposal: Conversion of property into 3no self-contained flats. Associated works

AGENDA ITEM 16

Recommendation: Approve subject to conditions

Recommend the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- 417 EX00
- 417 EX01
- 417 EX02
- 417 EX03
- 417 EX04
- 417 EX05
- 417 EX06
- 417 EX07
- 417 EX08
- 417 5PL 02
- 417 5PL 03
- 417 5PL 04
- 417 5PL 05
- 417 5PL 06
- 417 5PL 07
- 417 5PL 08
- 417 5PL 09

-Parking Assessment by Paul Mew Associates, dated June 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 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).

- 4 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.

- 5 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.

- 6 a) Notwithstanding the details shown on Drawing No.417 5PL 02, 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 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with the details shown on Drawing No.417 5PL 02. The cycle parking and cycle storage 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.

- 8 Before the development hereby permitted is first occupied, the existing amenity space shall be subdivided in accordance with the details on Drawing No.417 5PL 02, Drawing No.417 5PL 08, and Drawing No.417 5PL 09, 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 October 2016).

- 9 a) Before the development hereby permitted is first occupied or the use first commences, parking space(s) and turning space(s) as shown on Drawing No.417 5PL 02; 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 2016.

- 10 Before the development is commenced; a scheme showing details of access points (Pedestrian and Vehicular), estate road(s) and footways in accordance with the siting, size, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority.

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.

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 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2,030 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 £7,830 payment under Barnet CIL.

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties

other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The proposal site contains a semi-detached two storey dwellinghouse on the northern side of St John's Road. The area surrounding the proposal site is predominantly residential in character. No. 20 St Johns Road is positioned on the application site's western flank and they share a party wall. No. 16 St John's Road is located to the east of the application site.

Prior approval was not required for a 6 metre deep rear extension to the semi-detached property through application 16/8237/PNH on 2 February 2017. At the time of the officer's site visit construction work on this rear extension was partly completed.

Extensions to the roof of the existing dwellinghouse were deemed lawful through application 17/2173/192. The extensions to the roof were a hip to gable extension, rear dormer window with Juliet balcony, and 2 no. roof lights to the front elevation. At the time of the officer's site visit these extensions had been mostly completed.

A first floor rear extension to the existing dwellinghouse was granted permission through application 16/8080/HSE. At the time of the officer's site visit this extension had been mostly completed.

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

2. Site History

Reference: 17/2173/192

Address: 18 St Johns Road, London, NW11 0PG

Proposal: Single storey rear extension and removal of existing rear first floor bay window. Extension to roof including hip to gable end, rear dormer window with juliet balcony and 2no roof lights to front elevation. Insertion of side first floor window.

Decision: Lawful.

Decision Date: 20 April 2017

Reference: 16/8134/HSE

Address: 18 and 20 St Johns Road, London, NW11 0PG

Proposal: Alterations to roof involving raising the front gable to both nos 18 and 20.

Decision: Approved subject to conditions.

Decision Date: 28 February 2017

Reference: 16/8080/HSE

Address: 18 St Johns Road, London, NW11 0PG

Proposal: Part single, part two storey rear extension with changes to windows and door (Amended plans).

Decision: Approved subject to conditions.

Decision Date: 14 February 2017

Reference: 16/8237/PNH

Address: 18 St Johns Road, London, NW11 0PG

Proposal: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Decision: Prior Approval Not Required.

Decision Date: 2 February 2017

Reference: 16/7874/PNH

Address: 18 St Johns Road, London, NW11 0PG

Proposal: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Decision: Prior Approval Required and Refused.

Decision Date: 29 December 2016

Reference: 16/7364/192

Address: 18 St Johns Road, London, NW11 0PG

Proposal: Extension to roof including hip to gable end, rear dormer window with Juliette balcony and 2 no roof lights to front elevation. Single storey rear extension.

Decision: Lawful.

Decision Date: 14 December 2016

Reference: 16/7435/PNH

Address: 18 St Johns Road, London, NW11 0PG

Proposal: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Decision: Prior Approval Required and Refused.

Decision Date: 8 December 2016

Reference: B/04557/08

Address: 18 St Johns Road, London, NW11 0PG

Proposal: Single storey rear extension..

Decision: Lawful.

Decision Date: 20 January 2009

3. Proposal

The conversion of the existing single family dwellinghouse into 3 no. self-contained flats. Associated works.

4. Public Consultation

Consultation letters were sent to 82 neighbouring properties.

A site notice was erected on 04/05/2017.

A press notice was published on 02/05/2017.

11 objections were received in response.

The objections concerned the following issues:

- The proposal would have negative impact on parking provision in the local area. There are already insufficient parking spaces in the local area and the roads are narrow and congested. The proposal would prevent people in St Johns Road with mobility issues from traveling to and from their homes. If the application is approved then it will set a precedent in the local area and allow for further flat conversion which could cause further congestion.
- Construction work on the extension to the property is taking place before a decision is made on the current application.
- The proposal will increase the population density of the local area.
- The proposal will increase the amount of litter and overflowing bins in the local area.

- Concern was expressed that if 3 no. flats were granted permission on the application site then there is nothing to stop the site being subdivided further into more flats.
- Converting the property into flats will lead to an increase in crime and anti-social behaviour in the local area.
- The proposal will cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance.
- The increased car parking requirements on the application site would result in an increase in air pollution in the local area.
- If a window was inserted into the front facing gable of the on the front elevation of the existing property it would overlook No. 17 St. Johns Road.
- The extensions to the property are harmful to the character of the area.
- The extensions cause the occupiers of neighbouring and adjoining properties to suffer a material loss of privacy as result of overlooking.
- The extensions will block out daylight/ sunlight to neighbouring properties.

Internal Consultees

Barnet's Highways officers were consulted on the application and they raised no objections to the proposal subject to conditions.

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.

The principle of flats in this location:

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

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.

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 dwellinghouses in roads characterised by dwellinghouses, this will not normally be appropriate.

On 11.06.2015 permission was granted at No. 3 St Johns Road for the conversion of a single dwelling house into 3 no. self-contained flats through application reference 15/02722/FUL. According to council tax records, No. 3 St Johns Road, No. 7 St Johns Road, No. 16 St Johns Road, No. 30 St Johns Road and No. 42 St Johns Road contain flats. Of the 41 no. buildings on St. Johns Road, 5 no. of them are flatted residential units. Of these flatted residential units, 1 no. unit contains 3 no. flats (No. 3 St Johns Road), the others contain 2 no. flats.

As there are several flatted developments in the area surrounding the proposal site as well as a recent planning approval for a flat conversion, it is considered that the conversion of the proposal site into flats is acceptable in principle provided that it meets the requirements described below.

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:

Table 2.2 of Barnet's Sustainable Design SPD (Oct 2016) states for floor space to be considered habitable is must have a floor to ceiling height of 1.5 metres or more.

The 3 no. proposed flats have the following gross internal area (gia):

Flat 1	2 bedrooms 4 people	98 m ²
Flat 2	2 bedrooms 3 people	74 m ²
Flat 3	1 bedroom 1 person	45 m ²

Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required gfa for the units is as follows:

- 1 bedroom for 1 person on a single floor with a shower is 37 m²
- 2 bedrooms for 3 people on a single floor is 61 m².
- 2 bedrooms for 4 people on a single floor is 70 m².

All of the proposed flats are considered to meet these requirements.

Room dimensions:

Table 2.2 of Barnet's Sustainable Design SPD (Oct 2016) sets out the internal layout and design requirements for rooms in a new residential unit. It states that bedrooms should meet the following requirements:

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All of the proposed bedrooms meet the relevant space requirements.

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, although a floor to ceiling height of 2.5 metres is preferred. All of the proposed habitable rooms are considered to meet this requirement.

Light/outlook:

Table 2.4 of Barnet's Sustainable Design SPD (Oct 2016) sets out the minimum glazing requirements for habitable rooms in a new residential unit. It states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and the habitable rooms should have an acceptable level of outlook. All of the habitable rooms within the proposal are considered to meet this requirement.

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 considered provided that sufficient sound insulation is provided that the proposed room stacking is adequate to prevent the future occupiers of the proposed 3 no. flats to 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 m² of amenity space per habitable room. Rooms with a with an internal floor space of greater than 20 m² are counted as 2 habitable rooms.

Flat 1 has 5 habitable rooms and requires 25 m² of amenity space.

Flat 2 has 5 habitable rooms and requires 25 m² of amenity space.

Flat 3 has 2 habitable rooms and requires 10 m² of amenity space.

Flat 1 is provided with 27 m² of private amenity space. Flat 2 and Flat 3 are provided with 45 m² of shared amenity space. It is considered that the 3 no. flats are provided with adequate on site amenity space. The amenity space for Flat 1 is separated from the amenity space for Flat 2 and Flat 3 by a fence. This fence is considered to be high enough to provide the occupiers of Flat 1 with adequate privacy when using their amenity space.

The Impact on the appearance and character of the area:

There are no proposed extensions to the existing semi-detached property on the application site. The extensions to the property that were either approved through application 16/8080/HSE or deemed lawful through application 17/2173/192 and application 16/8237/PNH were close enough to being completed at the time of the officer's site visit that they are considered to be existing. For this reason their impact on the character and appearance of the application site and the streetscene is not assessed in the current application.

Notwithstanding the details already submitted, details of enclosures and screened facilities for the bin storage shall be secured through in order for the bins not to have a negative visual impact on the character of the streetscene.

The impact on the amenities of neighbouring occupiers

DM01 requires that development proposals should not have a material negative impact on the amenity of the occupiers of neighbouring and adjoining properties.

The impact of the ground floor rear extension on the amenity of the occupiers of neighbouring and adjoining properties has already been assessed through application ref 16/7874/PNH and impact of the first floor rear extension on the amenity of the occupiers of neighbouring and adjoining properties has already been assessed through application ref 16/8080/HSE.

The roof extensions were deemed lawful through application 17/2173/192. There is no assessment of the impact on neighbour amenity for an application for a certificate of lawfulness.

The existing floor plans depict the extended dwellinghouse as providing accommodation for 6 no. people. The 3 no. proposed flats would provide accommodation for 8 no. people. The proposal would only increase the number for occupiers on the application site by 2 no. people and there are other examples of existing flats on St Johns Road. For these reasons the proposed conversion is not considered to cause the occupiers of neighbouring and

adjoining properties to suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupying the site.

The parking requirements for the proposal are described below. It is not considered that the parking requirements for the proposal are so significant as to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of air pollution.

Parking and Highways

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The application site has PTAL of 3 which is considered fair. For these reasons the proposal is considered to require 3 no. parking spaces.

The application site is located within a Controlled Parking Zone restricting parking to resident permit holders only Monday to Friday 11am-12pm.

The proposal provides 1 no. onsite parking space. The applicant has received approval for the construction of a drop curb access for the proposed parking space.

In order to demonstrate that the proposal would have an acceptable impact on parking in the local area the applicant submitted a parking survey. The applicant originally submitted a parking survey from 2015 that was considered as out of date and as such the recommendation was for a restriction on permits. The applicant undertook a new parking survey dated June 2017 which indicates the availability of spaces on St Johns road. The survey was carried out in accordance with the Lambeth Methodology which is considered as the best practice for parking beat surveys. The survey indicated that the overnight parking stress was 78% for St Johns Road, with 11 no. free parking spaces available to accommodate any potential overspill parking from the proposed development. Therefore this development with a shortfall in parking provision is acceptable on highway grounds with no restriction on residents parking permits.

To comply with the cycle parking provision requirements of the London Plan (2016 MALP) 5 no. cycle parking spaces should be provided. These will be secured through condition. As the shared rear amenity space for Flats 2 and 3 exceeds requirement by 10 m2 it is considered that the additional cycle parking spaces can be provided within the rear amenity without prejudicing the amenity of future the occupiers of these units.

For these reasons there are no objections to the proposal on highways grounds.

Refuse and recycling storage

Barnet's Provision of Household Recycling and Waste Service document (2017) contains the recommended requirement for waste and recycling provision for new developments. Collectively the proposed 3 no. flats require the following onsite bin provision:

- 1 no. 660 Litre house hold refuse bin
- 2 no. 240 Litre blue recycling bins
- 2 no. 240 Litre garden waste bins
- 3 no. 23 Litre brown food waste recycling bins

There is considered to be adequate space within the front amenity space of the property for the required bin storage. The waste and recycling storage area at the front of the property is located within 10 meters of the public highway so therefore it is easily accessible on collection day.

Details of enclosures and screened facilities for the bins shall be secured through a condition in order for them not to have a negative visual impact on the character of the streetscene.

For these reasons the waste and recycling storage provision is considered to be acceptable.

5.4 Response to Public Consultation

The following issues have been addressed elsewhere in the report:

- The principle of the proposed conversion of the existing dwellinghouse into flats and its impact on the housing stock in the local area.
- The impact of the proposal on the amenity of the occupiers of neighbouring and adjoining properties.
- The visual impact of the proposal on the character of the local area.
- The waste and refuse provision for the 3 no. proposed flats.
- The impact of the proposal on highways and parking provision in the local area.

Other issues:

- The LPA has not been provided with any information that conclusively demonstrates that the conversion of a dwellinghouse into flats results in an increase in crime and anti-social behaviour the local area.
- When the LPA makes an assessment of a proposal for a flat conversion it is assumed that the proposed occupants of the flats will behave in a reasonable manner. Adequate bin storage provision will be provided for the proposal. If the behaviour of future occupiers causes environmental health problems then local residents can contact the Council's Environmental Health Department.
- The applicant has already received planning permission for the extension or they have already been deemed lawful. For these reasons it is considered acceptable that construction work has been nearly completed before a decision is made on the current application.
- No windows are proposed to be inserted into the front facing gable of the on the front elevation of the existing property on the application site. To insert one would require planning permission.
- The proposal would only increase the number of occupiers of the property by 2 no. people so therefore it is not considered to be an over intensification of 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 **24 Montpelier Rise London NW11 9DS**

Reference: **17/2021/FUL**

Received: 29th March 2017

Accepted: 24th April 2017

Ward: Golders Green

Expiry 19th June 2017

Applicant: Lionrule

Proposal: Alterations and extensions to existing house including construction of a part single, part two storey rear and side extension and loft conversion with hip to gable end and rear dormer window, to form 3no. additional flats providing a total of 5no. self-contained flats. Associated amenity space, refuse and recycling storage and provision of 2no. off-street parking spaces

AGENDA ITEM 17

Recommendation: Approve subject to conditions

For the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Location Plan

2410 (Existing and Proposed Block Plans)

24 (Existing Floor Plans)

242 (Existing Side Elevations)

241 (Existing Front and Rear Elevations)

242A (Proposed Ground Floor)

243B (Proposed 1st Floor)

244A (Proposed 2nd Floor)

245B (Proposed Front and Rear Elevations)

246B (Proposed Side Elevations)

Parking Stress Survey Report (received 28/04/2017)

Planning Statement (received 29/03/2017)

Sustainability Statement (received 05/04/2017)

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

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

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and 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).

- 5 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).

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

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

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

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

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

8 Existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

9 Before the building hereby permitted is first occupied the proposed window(s) in the east side elevation as illustrated on drawing no. MR - 243B, 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).

- 10 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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.

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

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

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

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

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5,635 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 £21,735 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 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 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Officer's Assessment

1. Site Description

The application site comprises of a detached two-storey building located on the southern side of Montpelier Rise, within the ward of Golders Green. The property is currently in use as 2no. self-contained flats.

The surrounding area is characterised by two-storey residential properties of a similar style, with the London Underground Northern Line running adjacent to the east.

2. Site History

Reference: 15/05845/FUL

Address: Ground Floor Flat, 24 Montpelier Rise, London,

Decision: Refused

Decision Date: 24 November 2015

Description: Demolition of existing property and construction of a two storey detached building with rooms in the roofspace and basement comprising of 6no. self-contained flats. Associated refuse and recycling storage and lower ground floor level parking

Reference: 16/1441/FUL

Address: Ground Floor Flat, 24 Montpelier Rise, London,

Decision: Withdrawn

Decision Date: 27 May 2016

Description: Alterations and extensions to existing house including construction of a part single part two storey rear and side extension and loft conversion with hip to gable end and rear dormer window, to form 3no. additional flats providing a total of 5no. self-contained flats. Associated amenity space, refuse and recycling storage and provision of 5no. off-street parking spaces

Reference: 17/2021/FUL

Address: Ground Floor Flat, 24 Montpelier Rise, London,

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Alterations and extensions to existing house including construction of a part single, part two storey rear and side extension and loft conversion with hip to gable end and rear dormer window, to form 3no. additional flats providing a total of 5no. self-contained flats. Associated amenity space, refuse and recycling storage and provision of 2no. off-street parking spaces

Reference: C03702/08

Address: Ground Floor Flat, 24 Montpelier Rise, London,

Decision: Approved subject to conditions

Decision Date: 6 May 2008

Description: Part single part two storey side and rear extension to existing flats.

3. Proposal

The application seeks the construction of a part single, part two storey side and rear extension and loft conversion with hip to gable extension and rear dormer window to form 3no. additional flats. The proposal also includes the provision of associated amenity space, refuse and recycling storage and 2no. off-street parking spaces.

The proposal has been amended to include the addition of further windows on the ground, first and second floors.

4. Public Consultation

Consultation letters were sent to 53 neighbouring properties.

1 response has been received, comprising 1 letters of objection with a total of 18 signatures.

The objections received can be summarised as follows:

- Inappropriate change of the building from 2 flats into 5 flats;
- Increase in traffic and parking pressure.

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, CS4, CS5, CS9
- Relevant Development Management Policies: DM01, DM02, DM08, DM17

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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 adequate accommodation is provided for future occupiers; and
- Highways.

5.3 Assessment of proposals

Principle of development

It is acknowledged that the existing property is currently occupied as 2no. self-contained flats and as such the principle of additional flats is considered to be acceptable subject to all other areas being policy compliant. It is also noted that there are other flatted properties within the street at nos. 24 and 32 Montpellier Rise.

In terms of the number the mix of units proposed, the scheme would overall provide 3 x 1 bedroom units and 2 x 2 bedroom units. This mix is considered to be acceptable. The existing property consists of 2 x 2 bedroom units and so the proposal will still retain the same number of 2 bedroom units.

Impact on the character and appearance of the existing property, streetscene and wider locality

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 proposed additional mass and footprint is to be located mainly on the eastern side of the site adjacent to the public footpath and London Underground railway line. This element is set back from the front elevation and is stepped at several points. At the rear, the two storey extension would project 2m further from the existing rear elevation. Taking into account the location of the site at the end of the road and adjacent to the railway line, it is considered to have an acceptable relation to the existing building and would not result in any adverse harm to the character of the existing building, streetscene and surrounding area.

The proposed hip to gable extension is considered to be acceptable in that it provides an improved visual balance to the existing property and also reflects the gable end on the adjacent No.26. Whilst the proposed rear dormer is large in scale, it is acknowledged that

many other properties along the street have similar large dormers and so the character of the area would be unaffected by the addition of this element of the scheme.

It is proposed to excavate and lower the front driveway area in order to ensure that the parking spaces do not lie directly outside the windows of the ground floor unit. Officers do not consider that this element raises any significant issues in terms of visual impact.

Impact on visual and residential amenity

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces/

The proposed rear extension would project a further 2m beyond the existing rear elevation and that of the adjacent no.26 Montpeiler Rise and would be sited approximately 3.3m away from its side elevation. As such it is considered that the proposal would not result in any adverse impact in terms of overbearing, loss of light or outlook. There would be no windows on the side elevation facing no.26 which would lead to any adverse issues of overlooking. The proposed entrance to all the units is sited on the side (west elevation). It is noted that no.26 has a blank elevation on this side and as such is unlikely to result in an unacceptable level of noise and disturbance levels.

Provision of accommodation 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:

Unit 1: 2B3P 61.5sq.m

Unit 2: 1B1P 39.5sq.m

Unit 3: 2B3P 61.0sq.m

Unit 4: 1B1P 39.5sq.m

Unit 5: 1B1P 39.0sq.m

The proposed units would all comply and exceed the minimum space requirements contained within the London Plan and as such complies with Barnet policy DM02. Additional windows have been added to a number of units and as such, the Planning Authority is satisfied that each of the units have received adequate levels of daylight/sunlight and would have adequate outlook.

The Sustainable Design and Construction SPD states that for flats, 5 sqm of external amenity space should be provided per habitable room. Unit 2 of the ground floor would be provided with a private amenity space of 24sq.m while the remaining 4 units would have access to a shared communal garden of 210sq.m. These areas would meet the SPD requirements and as such would be compliant with policy DM02 and the Sustainable Design and Construction SPD requirements.

Highways 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	1.0 to 1.5 spaces per unit

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

3x1b a range of 0.0 to 1.0	0.0 to 3.0 spaces required
2x2b a range of 1.0 to 1.5	2.0 to 3.0 spaces required

This equates to a parking provision range of between 2.0 and 5.0 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 3 which is considered to be a moderate level of accessibility. In relation to parking provision, the Council's Traffic and Development service has commented that the proposal would be expected to provide 3 parking spaces. There are 2 existing parking spaces at the site and it is not proposed to provide any further spaces. The applicant has commissioned a parking beat survey to assess the parking stress on the roads in the vicinity of the site. This survey indicates that the parking stress is 70% and that there are parking spaces available on roads in the vicinity of the site to accommodate any potential overspill from the proposed development. The Traffic and Development service has raised no concerns regarding this survey. Subject to conditions, the application is recommended for approval on highways grounds and complies with policies CS9 and DM17 of the Barnet Local Plan.

Other material considerations

In terms of sustainability, conditions relating to water consumption and the minimising carbon dioxide emissions have been attached.

5.4 Response to Public Consultation

The issues raised within the letter of representation have been addressed within the report.

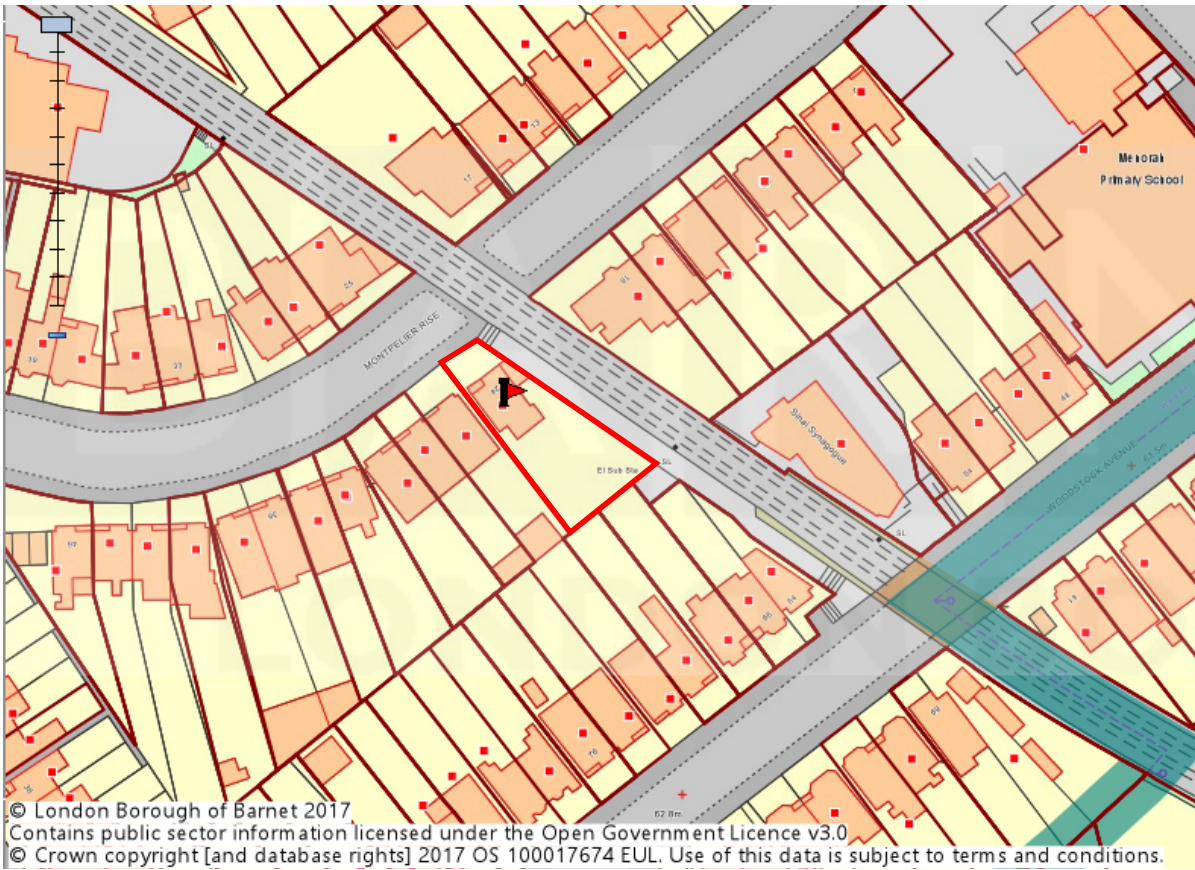
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an

acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



COMMITTEE REPORT

LOCATION: Windsor Open Space
(Rear Of 49 Broughton Avenue)
London
N3 3EN

REFERENCE: TPP/0360/17 **Received:** 19 May 2017

WARD: Finchley Church End **Expiry:** 14 July 2017

CONSERVATION AREA None

APPLICANT: Mr Andrew Digby – Arboricultural Officer in Barnet Council's Greenspaces Team

PROPOSAL: 1 x Oak (Ezytreev Reference 424012) - Reduce specified lowest lateral scaffold limb by up to 6m leaving approx 1m of growth on each upright, (Remove deadwood and remove hanging limb), Reduce away from building to allow 4m clearance. Standing in area A1 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed pruning of 1 x Oak (Ezytreev Reference 424012) as specified above, standing in area A1 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

1. The proposal will detrimentally affect the appearance of the tree of special amenity value and the specified treatment would be premature in the absence of occupation of the structure.

Or:

APPROVE SUBJECT TO THE FOLLOWING CONDITION

1. The branches shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature.

That the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or

deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

Consultations

Date of Site Notice: 8th June 2017

Consultees:

Neighbours consulted: 0

Replies: 9 0 support 9 objections

Some of the comments received during the public consultation for this application to undertake treatment to an Oak tree included within a Tree Preservation Order relate to objections about the presence of a structure (referred to by some as a “mobile home”) in the rear garden of number 49 Broughton Avenue and also to retention of screening around the rear garden of 49 Broughton Avenue, rather than to the proposed treeworks *per se*.

Although there has been conflation of issues in some of the objection responses, it is necessary to disentangle the matters which can properly be taken into account in determining the appropriateness of treeworks – i.e. the impact of the proposed pruning on the Oak in the context of Windsor Open Space; and those that relate to the lawfulness or otherwise of the structure and / or screen – which are subject of separate planning enforcement investigation(s) / application(s).

Whilst the presence of the structure is a factor that has led to this current application for the proposed treeworks to the subject Oak tree, this application relates solely to the determination whether (or not) consent should be granted for the specified pruning of the tree and not to the lawfulness or otherwise of the structure or screen – representations about matters which are beyond the scope of this application have been included in a separate Appendix to this report (Appendix 1).

There has also been some misunderstanding of the status of formally submitted consultation responses citing an application reference number (e.g. representations via the public access software or addressed to the named Case Officer for an application) and correspondence sent to Greenspaces Officers, Members, and / or Enforcement Officers (e.g. in connection with enforcement investigation(s)) – such latter correspondence is not, and cannot be, considered as representations on an application for consent to treat a tree included in a Tree Preservation Order (TPO). For the avoidance of doubt, all of the representations sent to the Planning Trees team during the public consultation period for this application and marked as relating to this current treework application are included in the grounds of objection listed below and representations listed at Appendix 1 of this report.

The grounds of objection to the proposed treeworks are provided below:

Objections:

- *“I hereby raise objection against the proposed work on what is a very old, much loved and healthy oak tree. I appears that this work is only proposed because of an overly large 'mobile' structure that has been erect so close to the Windsor Open Space boundary that is in breach of the spirit, if not the word, of Planning regulations. Please will you, who have responsibility to protect our environment, start doing so.”*
- *“I am appalled that this application on an established TPO should even be considered. Oak trees such as these in my professional view should not be tampered with or touched, this is why they have a TPO on them in the first place. Such trees do not recover from such treatment especially since your planning department has disgracefully allowed building over the tree root system, this should not have been allowed. These oak trees are part of the essential 'green lung' for London and should not be tampered with at all. This work must not go ahead just to appease a rich person's whim, there are more important issues here, Oak trees have an extensive biodiversity of micro-organisms living on them, they are part of England's botanical heritage and part of the heritage for future generations.”*
- *“An oak tree with a TPO. No further comment should be needed.”*
- *“I am writing to protest in the strongest terms against this proposal which is in contravention of the spirit and the law governing tree preservation orders. This beautiful tree enhances the environment in Broughton Avenue and Windsor open space and is not in need of such drastic and probably damaging surgery. The Council is proposing this work only because it has mistakenly allowed the construction of an oversized and unsightly "mobile" home in the rear garden of 49 Broughton Avenue which is affecting the tree's root system. Rather than vandalising the tree the Council should have the courage to carry out the appropriate enforcement action to mitigate the damage this construction has caused.”*
- *“This tree has a TPO on it. It is a disgrace that the wealthy seem to ride roughshod over our cultural heritage, with the collusion of the council. The 'landowners' Having built a mobile home which is damaging the roots of this beautiful English Oak. Symbol of the strength and resilience of our sacred land. These people have no concerns for the environmental destruction of trees, which are of multiple benefit. These trees are a haven and habitat for so many creatures. Birds, bees, insects. As a London beekeeper and Eco activist I must object most strongly to this selfish destruction. Many green activists and organisation are trying to save out Trees, which are vital to the cities resident well being and help to clean out air. Perhaps the owners plan to clear their property of any living thing in order to sell with planning permission? Just a guess. Or premonition. London must look after its ancient trees. And not kow tow to the whims of the rich and influential. The council is elected to protect our heritage and safe guard our wildlife, trees and plants. Trees are the lungs of the city.”*
- *“We are writing to ask you to consider our concerns about the butchering of a beautiful healthy well over a hundred year old Oak tree to the rear of 49 Broughton Avenue N33EN. The root system is now under stress due to the amount of lorry loads of hardcore and lorry loads of topsoil, sleepers that form the base, concrete posts that hold the sleeper base together plus paving and concrete placed in the rear garden of 49 Broughton Avenue. The proposed works by The council will most*

certainly place it under even more stress perhaps causing it to die. We were under the illusion that A TPO protects a tree from wanton damage. It is at present a healthy tree. There will be no guarantee for its future health if this is allowed to happen. It has been there for well over a 100 years and we have watched it grow and mature and enjoyed seeing it from our bedroom window every morning for the past 42 years. The views from our bedroom windows have been transformed from beautiful to painful. The only things of beauty left for us are the Oak Trees. Mr. Atwal and his wife have made several comments over the years about asking the council to cut the Oak trees down. This gives them the perfect opportunity. They have had all of their trees removed and over the years have dumped any cut branches and rubbish in to the Open Space from their garden. They have no feeling for the environment. This has been demonstrated by the removal of their natural garden and replaced with a structure, concrete and paving. It is immoral to cut the oak on the basis that it might damage a trailer that should never have been given permission to be sited so close to the boundary of WOS. From our viewpoint it feels as if Mr. Atwal is getting all that he wants and everyone who uses the WOS are his victims. Trees give us Oxygen and protect us from the ever increasing pollution in London. They house wildlife. It takes another hundred years to replace what we are losing.”

- “in order to establish a fair and transparent consideration of the proposal by committee members, ALL comments, whether objections or support, must be made available to members and the public as documents on the planning portal. Failure to do so will invite a formal complaint about the standard of care given to this application. Objections were sent to officers eg. Andrew Digby, Greenspaces, Sam Amoko- Adofo or Iain Sutherland Thomas. They have not appeared on the planning portal. Could you please find them and add them to the comments made by the public regarding the above application?”
- “The application is not correct. Andrew Digby has stated that he is the owner of the Oak Tree. Andrew Digby does not own the tree. Barnet is the owner of the tree. A new application should now be issued. This makes the current application null and void.”
- “I cannot see how reducing the crown of this wonderful old oak tree and removing limbs to 1m. off the boundary can save this tree. It stands in the middle of the fence and now has to contend with a heavy mobile home on its roots. This is a sad state of affairs that a wonderful tree has to be removed bit by bit to accommodate a structure that should never have been placed under it!”
- “Immediately outside the boundary and on Council property is a mature oak tree protected, I think, by a Tree Preservation Order. The health of this tree has been compromised both by being incorporated into the foundations of the new construction which cover part of the trunk and, of course, the root system. I note that there is an application (TPP/0360/17) to cut back some of the branches of this tree overhanging the new building in case they should fall and damage it. It may well be that branches not overlooking the applicant's property will also have to be removed to make sure it retains its stability. It seems to me - and I imagine to councillors also - that a full discussion should be held at –ctd.” [end of comment]
- “I thoroughly object to any work being done to a beautiful ancient tree that enhances the environment, gives us oxygen, houses wild life and should be protected by the Greenspaces team. After all is said and done it has a TPO on it

and stands at the entrance to Windsor Open Space. It may not live after the work has been carried out due to its roots being covered with hardcore, concrete and an extremely heavy mobile Home. This is simply vandalism that should not be permitted. No proper surveys have been carried out on the impact of the loss of the tree to the environment. No surveys have been carried out on the effect of the water table on a flood plain once it has been severely reduced. This is Greenspaces rushing to avoid any insurance claims for damage to a structure that should never have been given consent in the first place. A prior survey to consent would have revealed the trees and their protected status thus avoiding this application.”

The relevant matters raised are discussed in the body of the report.

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Oak tree

Whilst there have been a number of previous applications for treatment of other trees in the Windsor Open Space which are also in Area A1 of the Tree Preservation Order, there have been no previous recent applications for treatment of the Oak tree that is subject of this application.

Recent Planning Applications and Certificates at 49 Broughton Avenue, London, N3 3EN

F/02335/09 – Retention of raised terrace and proposed new privacy screen.

- Approved subject to conditions 11th August 2009.

16/6998/192 – Proposed lawful development certificate: - Erection of mobile home in rear of garden.

- Deemed Unlawful 24th January 2017.

17/1267/192 – Proposed lawful development certificate: - Caravan/mobile home in rear garden.

- Deemed Lawful 14th March 2017.

17/3448/RCU – Erection of screening to rear of garden.

- Registered 1st June 2017 and is pending consideration.

PLANNING APPRAISAL

1. Introduction

Windsor Open Space is a Council owned / maintained Public Open Space to the rear of residential roadways east of Holders Hill Road and west of Hendon Lane. It is within the Lower Dollis Brook Site of Borough Importance Grade II for Nature Conservation. The

Dollis Valley Green Walk - which was developed and implemented by the London Borough of Barnet in 1992, and now forms part of Walk London's extensive network of walks and provides a link in both the London LOOP and the Capital Ring – passes through Windsor Open Space and adjacent to the Oak tree that is subject of this application.

2. Appraisal

Tree and Amenity Value

The subject Oak stands within the Windsor Open Space immediately adjacent to the rear boundary of 49 Broughton Avenue, London, N3 3EN. The roadway of Waverley Grove runs through the Windsor Open Space across a bridge over the Dollis Brook and the subject Oak stands approximately 10 metres north of the roadway/bridge.

The tree is visible from Waverley Grove adjacent to the flank boundary of 49 Broughton Avenue. The top of the tree is also visible from Broughton Avenue above the houses. The tree can also be seen as part of a group from within the Windsor Open Space.

Trees are an integral part of the character and appearance of the parkland. Along with the other trees and vegetation within Windsor Open Space, this Oak tree contributes to public amenity by helping to screen and soften the built form of the adjacent residential properties. In common with other mature trees, this Oak will also have benefits for the local environment – providing habitat for wildlife and helping to filter pollutants.

The Oak is a mature tree about 18 metres in height and with a trunk diameter of 95cm (measured over the bark at 1.5 metres above ground level). The crown of the tree has been previously lifted to about 4-5 metres from ground level. The lowest limb (proposed for reduction) arises just below this level from the south-eastern side of the trunk and extends towards the garden of 49 Broughton Avenue. There has been some previous reduction to branches arising from this limb. The tree has had some previous breakage of branches/limbs and a limb on the southern side of the tree arising from the trunk at about 6-7 metres from ground level ends in a tear as a result of previous breakage. Below this there are some old wounds/apparently localised pockets of rot which have resulted from the historic loss of other branches. The proximity of other adjacent trees and the previous loss of limbs/branches have affected the crown shape of this tree - the crown of the tree is unbalanced with a bias towards the south/south-east (i.e. the garden of 49 Broughton Avenue and Waverley Grove roadside). On the eastern side of the trunk at about 8-9 metres from ground level there is a small cavity/bird hole. The physiological condition of the tree appears reasonable with foliage of normal form, density and colour throughout its crown. There is some deadwood apparent (the majority of the deadwood is very minor) and a very small amount of dieback at the tips of a few branches.

The application

The application in respect of proposed treatment to an Oak tree standing in the Windsor Open Space to the rear of 49 Broughton Avenue, London, N3 3EN was received via the Planning Portal on the 19th May 2017. The Oak, identified in the Greenspaces' Ezytreev records as Reference 424012, stands in Area A1 of the Tree Preservation Order. The application form, three photographs of the tree and a plan identifying its location were

submitted on behalf of the London Borough of Barnet by Mr Andrew Digby, an Arboricultural Officer in the Council's Greenspaces and Streets Team – who have responsibility for trees that are owned/maintained by the Council. The application was valid upon receipt and registered accordingly.

The reason for the proposed treatment of the Oak cited on the application form is:

“In view of the change in land use underneath the canopy of a mature TPO'd Oak tree that has previously had large branch/limb loss as a result of storm damage. It is now appropriate to limit the Council's risk by reducing the crown of this tree and to remove the deadwood and split hanging branch.”

The submitted photographs show the limb proposed for reduction and also the proximity of that limb to the structure in the rear garden of 49 Broughton Avenue.

Having read the objections to the application, the applicant, in an e-mail dated 28th June 2017 clarified:

“Many of the objections are talking as if the tree will be removed which is not the case. Others are talking about the hard-core foundations of the temporary development which is not under my control. The bulk of the objection are based on the development rather than the tree works... I'm just recommending the works from an unbiased point of view based on safety and the increased risk that the Council has as the tree owner that I am responsible for. There is no collusion with the resident and the works recommended are the minimal extent that I would consider to reduce the risk. It's not like we are pollarding the tree or reducing it heavily. We are removing the weak point and reduce the target zone. If my recommendations to reduce the risk of the tree are not upheld there may be a liability issue that the planning department will need to consider should the tree fail in the future.”

A further e-mail followed on 4th July 2017, which included additional photographs and information:

“The tree was inspected on the 05/05/2017 by A.Digby & G.Thornhill as a result of two separate enquiries; One regarding a complaint about the temporary structure that has been erected underneath the crown of the tree, with concerns for the trees health. The other enquiry was from Mr Atwal owner of [49] Broughton Avenue whom logged an enquiry with the Parks Department requesting the tree to be inspected by a Tree Officer due to branches falling off.

The tree inspection found minor deadwood which is typical of this species and age of tree, not a major concern but common to remove it if a target is underneath the canopy and if other aerial pruning works are planned.

Prior to the inspection I [Andrew Digby] was aware that this tree has dropped sizeable branches in the past, attached are images of the tear (Tear 1 & 2 taken at the time of inspection) where a large limb fell on the opposite side to 59 Broughton Ave. The crown is now unbalanced due to this limb falling (See Unbalanced 1), leaving the large lower limb that is proposed for pruning overhanging the temporary habitable structure. This limb appears to be now overextended as previously it was sheltered and growing to reach for light it is now more exposed and potentially could be subsiding with it partially supported

by the conifers underneath. The proposed reduction in length of this limb by up to 6m is to reduce its weight taking it to a suitable growth points, this reduction includes reducing the upright branches leaving approximately 1m uprights which will also aid in reducing the weight on this limb.

See annotated photos for approximate pruning points (Anno 1 & 2).

The tree inspection highlighted previous tears in the upper crown and a bird hole which indicated some crown decay. See (Defects and estimated crown reduction attachment)

Additionally a THREATS (Tree Hazard Rating, Evaluation And Treatment System) hazard calculation was carried out to determine the risk. The tree scored 480” [corresponding to Remediate within 3 months, reinspect after gales in the meantime (Force 7+)].

The additional photographs showed the tear at the end of the limb which has previously broken, that at present the tree has an unbalanced crown shape, annotated photographs showing the proposed reduction of branches at the end of the lowest limb and annotated photographs showing some of the defects within the crown of the Oak tree that have led the applicant to apply for the proposed treeworks.

Mr Andy Tipping (The Trees and Woodlands Manager of the Council’s Greenspaces and Street Team) also added the following statement in the e-mail of the 4th July 2017:

“My only comment on this case relates to the fundamental principles of trees and risk. Tree hazards can become risks based on their ‘target’, previously this was a back garden that would have been subject to occasional occupation form family members. The new building here which we understand will be occupied by an elderly person, will have almost 100% occupancy (including during storms and high winds) and therefore we now have an increased risk should branches fall from this tree. What we are proposing is to reduce this risk.

A far as the placement of the building, this was carried out I understand under Permitted Development rights and is not for us to comment, all we have to do is manage this dynamic situation. I understand that no roots were excavated endangering tree stability and therefore there is no concern regarding this either.”

It may be noted that one of the sizeable branches that dropped within the last year still lies *in situ* on the Windsor Open Space side of the boundary – it came down as a result of strong winds, in circumstances completely unrelated to works being undertaken at 49 Broughton Avenue. Further, it should be observed that the e-mail from Andy Tipping confirms that there is no concern about root severance endangering tree stability.

3. The proposed treeworks in the context of the site.

The structure at the end of the rear garden of 49 Broughton Avenue has not been constructed pursuant to any planning permission having been approved by the Council as Local Planning Authority (LPA) – thus the LPA has not able to make a formal prior determination as to whether the location, methodology, size and implementation of the structure would be contrary to planning policies, detrimental to wildlife, or damaging to tree(s) included in a Tree Preservation Order. Instead, the structure has been installed

pursuant to Certificate(s) of Lawfulness – which can only take account of whether or not it benefits from “Permitted Development” rights or is otherwise not a “development” for which planning permission is required. Consideration of a certificate of lawfulness is one of law rather than of the merits of a structure.

In this case, the placement of a caravan/mobile home in the rear garden of 49 Broughton Avenue was considered to be Lawful and exempt from planning control under Lawful Development Certificate 17/1267/192 on 14th March 2017. Consideration of the Lawful Development Certificate could not take account of any potential impact on the trees in Windsor Open Space included in the Tree Preservation Order; or any impact on neighbours; or any other environmental factors – because the LPA could only determine whether or not the submitted information demonstrated the lawfulness of the structure.

There has been detailed planning enforcement investigation undertaken in response to concerns raised by Members and local residents – which have concluded that, at present, with the exception of the rear boundary fence, the activities taking place on site are deemed lawful. A planning application has been registered under reference 17/3448/RCU for retention of the rear boundary fence and is currently under consideration – it is entirely separate from the current treeworks application. The planning enforcement investigation, too, is entirely separate from the current treeworks application.

The current treeworks application, which is proposed by Greenspaces who have responsibility for Council owned / maintained trees as “now appropriate to limit the Council’s risk” has two aspects – one in relation to the ‘making good’, removal of deadwood and a hanging limb that results from previous storm damage; the other in respect of pruning back to provide clearance of the structure which is nearing completion.

The ‘making good’ by pruning back to suitable growth points storm damaged limbs / branches (particularly where a tree is close to a footpath or other area of high usage) accords with good arboricultural practice. The proposed removal of deadwood and hanging limb could be undertaken pursuant to exemption provisions in the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The lowest limb has had some previous branch reduction many years ago from which there has been subsequent regrowth – the proposed reduction of the specified lowest lateral scaffold limb by up to 6m leaving approx. 1m of growth on each upright would not exceed these previous reduction points.

It is also proposed to reduce away from the new structure to allow 4 metres’ clearance. Such treatment may have the result of making the structure more visible in the streetscape, as currently the Oak’s lower canopy contributes to making the structure less obtrusive.

It could be argued that the potential impact on TPO tree(s) could have been taken into account if the construction of the structure had been subject of formal planning permission and, if appropriate, conditions could have been imposed to safeguard them – whereas, because of permitted development rights, the Council is having to react to a landowner’s choice to position a structure beneath overhanging branches of pre-existing trees. In this

regard, there may be some difference in terms of potential liability in respect of treeworks that would be reasonable on arboricultural grounds for branches overhanging a garden; as against the additional works attributable to the structure that has been positioned beneath the trees without the Council being able to influence the siting or implementation (particularly if the structure has resulted in any damage being caused to the tree during installation).

Further, in terms of the fundamental principles of trees and risk management and their responsibility for managing a dynamic situation, the Greenspaces' Trees and Woodlands Manager has pointed out that "Tree hazards can become risks based on their 'target', previously this was a back garden that would have been subject to occasional occupation from family members. The new building here which we understand will be occupied by an elderly person, will have almost 100% occupancy (including during storms and high winds) and therefore we now have an increased risk should branches fall from this tree. What we are proposing is to reduce this risk." It should be noted that the structure has not yet been completed and is currently unoccupied. Whilst there may be a reasonable expectation that it would be occupied in due course, basing a treework specification on an assumption as to the nature of a future inhabitant may, arguably, be premature? Indeed, taking up occupation may be a relevant factor in respect of potential enforcement action.

Notwithstanding some of the consultation responses, the Greenspaces team is proposing to prune the Oak – not to remove it; nor is there any reason to believe that the proposed pruning as specified would result in the tree's demise.

The proposed pruning works would be extremely unlikely to have any significant impact on wildlife or the wider environment, especially given the Oak is an edge tree in a large Public Open Space parkland site with a wide diversity of habitats – however, if consent is granted, the Decision Notice would include the following informative: *"Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution."*

4. Legislative background

As the Oak is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation. In addition to this statutory requirement, the trees at Windsor Open Space are under the direct control of the Council's Greenspaces team which has responsibility for Council owned / maintained trees.

The Council, as a responsible landowner, adheres to nationally acknowledged National Tree Safety Group guidance on what is expected in terms of fulfilling moral and legal responsibilities with respect to management of Council owned / maintained trees. Under both civil and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch. The civil law gives rise to duties and potential liabilities to pay damages in the event of a breach of those duties. The criminal law gives rise to the risk of prosecution in the event of an infringement of the criminal law. Generally, the civil

law duty is to take reasonable care for the safety of those who may come within the vicinity of the tree, the standard of care being that of 'the reasonable and prudent landowner' – the tree owner is not, however, expected to guarantee that the tree is safe. The Greenspaces contention "*If my recommendations to reduce the risk of the tree are not upheld there may be a liability issue that the planning department will need to consider should the tree fail in the future*" is slightly inaccurate in that, as this application is being determined by Members, any potential liability would accrue to the Council rather than the planning department.

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

In this case, the proposed treatment may have some impact on the appearance of the lower canopy of the tree and render the structure in the rear garden at 49 Broughton Avenue more visible in the street scene, especially when viewed from Waverley Grove. In the light of this assessment, a decision needs to be made as to whether or not the proposal is justified having regard to:

- The previous storm damage and history of branch failure
- The appropriateness of seeking to reduce the risk to the Council in the event of future branch failure
- The appropriateness of granting consent to the proposed treatment prior to occupation of the structure
- The appropriateness of the specified treatment or whether other treatment may address concerns about potential liability to the Council

In accordance with the Tree Preservation legislation, the Council as Local Planning Authority (LPA) must either approve or refuse the application i.e. proposed specified pruning. The LPA has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk – however, the Council in its Greenspaces' capacity as tree owner and with responsibility for maintenance does have powers to undertake lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage (subject to appropriate Tree Preservation Order consent).

COMMENTS ON THE GROUNDS OF OBJECTION

Matters addressed in the body of the report.

EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability,

and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions. The Council have considered the Act but do not believe that the application would have a significant impact on any of the groups as noted in the Act.

CONCLUSION

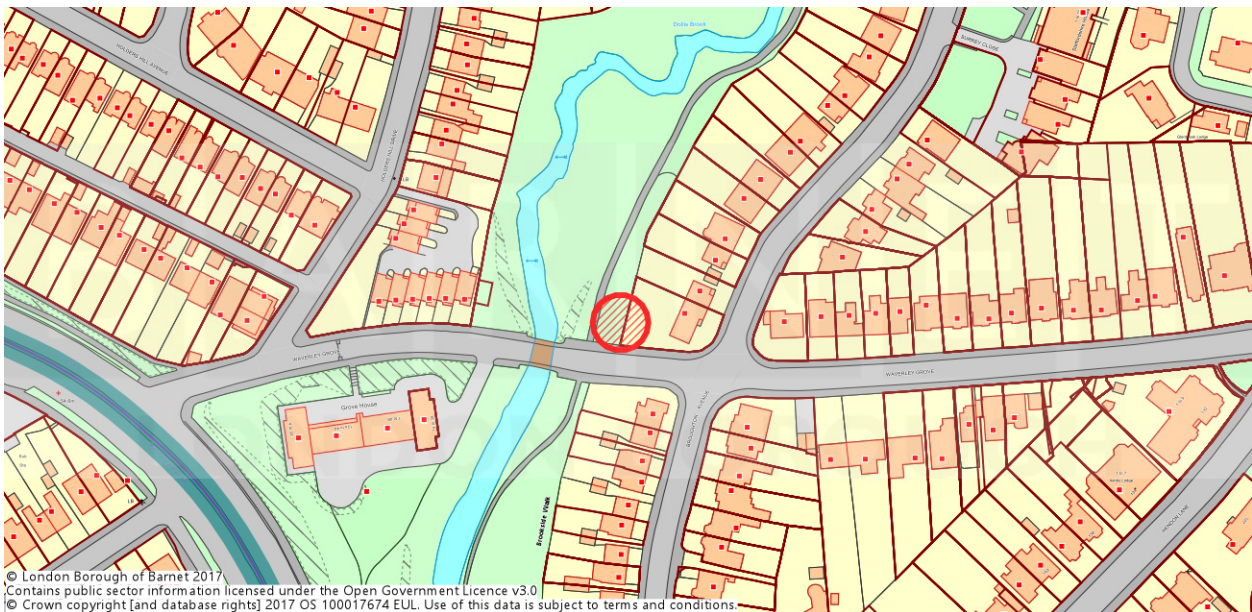
The applicant, Andrew Digby as Greenspaces Arboricultural Officer on behalf of the Council, proposes to prune the mature Oak standing in Windsor Open Space to the rear of 49 Broughton Avenue by reducing the specified lowest lateral scaffold limb by up to 6m leaving approx. 1m of growth on each upright, (removing deadwood and hanging limb), reducing away from building to allow 4m clearance.

The reason cited on the application form for the proposed treatment is *“In view of the change in land use underneath the canopy of a mature TPO’d Oak tree that has previously had large branch/limb loss as a result of storm damage. It is now appropriate to limit the Councils risk by reducing the crown of this tree and to remove the deadwood and split hanging branch.”*

The proposed treatment of the Oak may have some impact on the appearance of the lower canopy of the tree and render the structure at 49 Broughton Avenue more visible in the streetscene – but some of the proposed treework would be exempt from TPO control and the reduction back to previous pruning points of an overextended limb and making good storm damaged limbs / branches accords with good practice and would be reasonable on arboricultural grounds for branches overhanging any garden. The proposed pruning would be extremely unlikely to have any impact on wildlife, nor is there any reason to believe that the specified treatment would result in the death of the tree.

If it is concluded that “it is appropriate to limit the Council’s risk” by the specified pruning, conditional approval should be granted for the application (and the ‘wildlife’ informative would be included on the Decision Notice).

However, given the amenity value of the tree, if it is concluded that on the basis of available information that the proposed treatment as specified is excessive and has not been demonstrated to be necessary at this time; it would be justifiable to refuse the application.



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Appendix 1

Some of the representations received during the public consultation period relate to matters beyond the scope of this application – seemingly referring to the screening and / or structure – rather than to treatment of an Oak tree included within a Tree Preservation Order.

The below comments appear to relate to the application form submitted for application 17/3448/RCU – “Erection of screening to rear of garden” and not to the treework application that is currently being considered:

“I am writing to ask how this application can actually be accepted as a statement of fact when the answers below given by the Applicant are not true? This makes his application null and void.

11-Foul sewage

Are you proposing to connect to the existing drainage system?

Applicant Answer No

The applicant has done this.

12- Assessment of Flood Risk

Is your proposal within 20m of a watercourse?

Applicant Answer No

Dollis Brook is less than 20m. Away from his fence

Within an area of risk of flooding

Applicant Answer No

Dollis Brook floods in wet winters. It is a known Flood Plain and the Environment Agency should have been contacted and their Flood maps used to determine the siting of the mobile home.

13-biodiversity and Geological conservation

Are there protected species on land adjacent to the site?

Applicant Answer No

*It is a significant wildlife corridor that his screen backs on to. The Windsor Open Space
There are two oak trees with TPO's on them*

Important Habitats

Applicant Answer No

No survey was done to determine habitats. Several species of birds nest in the trees.

Trees and Hedges

Applicant answer No

What happened to the Oak Trees and other trees bordering his screen?

A full tree survey is required if there are trees of importance in the area that might be important as part of the landscape character

Applicant answer No

No tree survey has been carried out to determine the effect of this screen and the loss of light to the undergrowth.

Either the Applicant does.” [end of comment]

The following comments appear to relate to the construction of the “mobile home” and not to the application for treatment of the subject Oak tree:

“My objections are to the construction itself and not only to the screening and to the pruning of the Oak tree.

The new building seems to be a backland development framed in the way it is in order to evade any restrictions on such building. Rather more than the screening should be considered: the whole project should be referred to the Area Planning Committee for its decision.

What has been erected in the back garden of 49 Broughton Avenue appears to be a large immobilised 'mobile' trailer the wheels of which, if they are still attached, lie beneath fixed paving in front of the building which itself leads to a new access gate in the side fence of the property. The rear garden of 49 slopes steeply towards the public footpath - part of the Dollis Valley Green Walk. To provide a level standing for building this has been built up by at least 1m. at its closest to the fence separating the owner's garden from Council property and the walk.”