

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 15TH JUNE, 2016**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX**

**TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Maureen Braun  
Vice Chairman: Councillor Brian Gordon LLB

**Councillors**

Claire Farrier	Gill Sargeant	Hugh Rayner
Sury Khatri	Agnes Slocombe	

**Substitute Members**

Tom Davey	Val Duschinsky	Helena Hart
Dr Devra Kay	Charlie O-Macauley	Mark Shooter
Zakia Zubairi		

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

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

**Andrew Charlwood – Head of Governance**

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Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	1 - 10
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
	<b>COLINDALE WARD</b>	
5.	55 Sheaveshill Avenue - 160948FUL - Change of use from Residential to GP Surgery	11 - 22
6.	North Land Of Garrick Estate Garrick Industrial Centre Irving Way London NW9 6AQ - 15/04144/FUL - 2 no two Storey storage and distribution business units	23 - 48
	<b>HENDON WARD</b>	
7.	51 Finchley Lane London NW4 1BY	49 - 62
8.	25 Holmfield Avenue London NW4 2LP - 162867FUL - Extensions	63 - 70
9.	25 Holmfield Avenue London NW4 2LP - 162481FUL - Outbuilding	71 - 78
10.	5-7 Parson Street Hendon London NW4 1QD - 160806FUL - extension and conversion	79 - 98
11.	39 Sydney Grove London NW4 2EJ - 162504HSE - extensions	99 - 106
12.	3 Glebe Crescent Hendon London NW4 1BT - 162298FUL - Conversion	107 - 114
	<b>MILL HILL WARD</b>	

13.	60 Uphill Road London NW7 4PU - Variation of condition 14 (Vehicular Sight Line) pursuant to planning permission 15/04704/FUL	115 - 124
14.	Any Item(s) the Chairman decides are urgent	

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# Decisions of the Hendon Area Planning Committee

10 May 2016

Members Present:-

Councillor Maureen Braun (Chairman)  
Councillor Brian Gordon (Vice-Chairman)

AGENDA ITEM 1

Councillor Claire Farrier  
Councillor Sury Khatri  
Councillor Hugh Rayner

Councillor Gill Sargeant  
Councillor Agnes Slocombe

## 1. MINUTES

Resolved that the minutes of the previous meeting held on 10<sup>th</sup> March 2016 be recorded as correct.

## 2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Councillor	Item	Nature of Interest	Details
Sury Khatri	8	Pecuniary	That the Councillor Khatri has been consulted on the planning application as a neighbour consultee and will utilise his right to speak at the committee in accordance with sections 3 and 5 of the Member's Planning Code of Practice of the Council Constitution, which advises that he leaves the room in order not to participate in discussion or vote on the item.
Sury Khatri	12	Non-Pecuniary	That he has met the registered speaker for item 12 at a councillor surgery.

## 4. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

## 5. MEMBERS' ITEMS (IF ANY)

None.

## 6. 107 STATION ROAD LONDON NW4 4NT

The Chairman announced that this application had been withdrawn from the Committee prior to the meeting.

## 7. 1 DEVONSHIRE CRESCENT LONDON NW7 1DN

Following presentation of the planning officer's report and addendum, the Committee heard a representation from Councillor Sury Khatri, who declared a pecuniary interest in the item as a neighbour consulted on the planning application and then immediately left the room. Committee also received a representation from Councillor John Hart against the proposal.

Following discussion on the item, the Committee agreed to defer the decision pending a site visit.

Deferral of the decision was proposed by Councillor Farrier and seconded by Councillor Slocombe. The motion to defer was then carried unanimously.

## 8. EXEGEN HOUSE 1 NEW BRENT STREET LONDON NW4 2DF

The Committee considered the planning officer's report. Oral representations were received from Mr Rami Kanzen, the applicant, who informed committee that the previous application for a 3 storey extension was refused and this new application was substantially smaller.

Members discussed the item noting that there had been no objections. Following discussion of the item, Committee **RESOLVED TO APPROVE** the application overturning the officer's recommendation for the reasons given below and to agree conditions in liaison with the Chairman following the meeting:

### Condition

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

- Existing: no. PL 11 Rev A, PL 13 Rev A, PL 17 Rev A, PL 15 Rev A, PL 9 Rev A, PL 2 Rev A, PL 4 Rev A, PL 6 Rev A (received: 19/01/16)

- Proposed: no. PL 12 Rev A, PL 14 Rev A, PL 16 Rev A, PL 10 Rev A, PL 3 Rev A, PL 5 Rev A, PL 7 Rev A, PL 8 Rev A (received: 19/01/16)

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

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

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

- 3 The materials to be used in the external surfaces of the building(s) and the fenestration shall match those used in the existing building(s).
- Reason:** To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).
- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.
- Reason:** To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).
- 5 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.
- Reason:** To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.
- 6 The floorspace hereby approved for purposes falling within Use Class B1 shall only be occupied for uses falling within Use Class B1a Office and shall not be used for any other purpose, including any other purpose within Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.
- Reason:** To ensure the development is implemented in accordance with the permission sought and in the interests of the re-provision of employment generating floorspace in accordance with policy DM14 of the Barnet Local Plan.
- 7 Prior to the commencement of development, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority.
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements to the site and security procedures.
  - ii. site preparation and construction stages of the development
  - iii. details of provisions for recycling of materials, the provision close to the site of a storage delivery area for all plant, site huts, site facilities and materials.
  - iv. the methods to be used and the measures to be undertaken to control the emission of dust noise and vibration arising from construction works.
  - v. 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.

- vi. noise mitigation measures for all plant and processors.
- vii. details of contractors compound and car parking arrangements.
- viii. details of interim car parking management arrangements for the duration of construction.
- ix. details of a community liaison contact for the duration of all works associated with the development

**Reason:** To ensure that the construction of the proposed development does not prejudice the amenities of adjoining 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 Development Management Policies DPD (2012).

- 8. All windows in the northeastern elevation of the proposed development facing the rear of 79 New Brent Street shall be fitted with obscured glazing which shall be retained as such permanently thereafter.

**Reason:** Through the prevention of overlooking, protecting the privacy of existing occupiers of the residential units at 79 Brent Street, thereby ensuring that the development does not prejudice the amenities of adjoining properties in accordance with policies CS1, CS NPPF and DM01 of the Barnet Local Plan Development Management Policies DPD.

- 9 No new openings shall be created in the northeastern or southeastern elevations of the proposed development facing rear of 79 Brent Street.

**Reason:** Through the prevention of overlooking, protecting the privacy of existing occupiers of the residential units at 79 Brent Street, thereby ensuring that the development does not prejudice the amenities of adjoining properties in accordance with policies CS1, CS NPPF and DM01 of the Barnet Local Plan Development Management Policies DPD.

- 10 The roof of the proposed development shall not be used as a terrace or amenity area and shall only be accessible for maintenance purposes.

**Reason:** Through the prevention of overlooking, protecting the privacy of existing occupiers of the residential units at 79 Brent Street, thereby ensuring that the development does not prejudice the amenities of adjoining properties in accordance with policies CS1, CS NPPF and DM01 of the Barnet Local Plan Development Management Policies DPD.

- 11 Prior to the commencement of use of the development hereby approved, details of the storage for the additional waste requirements shall be submitted to and approved in writing to the Local Planning Authority. The storage facilities shall be retained permanently 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 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).

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

**Votes were as follows:**

For (in favour of the officer recommendation)	2
Against	4
Abstain	1

A Motion was moved to approve the application by Councillor Farrier and seconded by Councillor Slocombe.

**Reasons were:**

- Reasons for refusal do not stand.
- There were no objections to the planning application.
- Employment will be retained and generated.

**Votes were as follows:**

For (in favour of the officer's recommendation)	0
Against	4
Abstain	3

**9. 71-73 CHURCH ROAD LONDON NW4 4DP**

The Committee considered the planning Officer's report and the addendum which contained correct the sizes of the units to be listed as 35m2 and 34.8 m2.

Committee heard representations from Miss Lea Brand, an objector to the planning application on parking grounds.

Following consideration of the item, Members **RESOLVED TO APPROVE**, the application as per the officer's recommendation and with an additional condition as follows:

**Votes were as follows:**

For	4
Against	3
Abstain	0

A motion was moved to apply a condition restricting the issue of parking permits to occupiers of the development. The Motion moved by Councillor Rayner and seconded by Councillor Braun.

**Votes were as follows:**

For	5
Against	1
Abstain	1

**10. 129 MILLWAY LONDON NW7 3JL (16/0317/FUL) ERECTION OF A TWO-STOREY DWELLING HOUSE**

Following presentation of the planning officer's report and addendum, the committee heard a representation from the applicant Mr Oliver Bruh.

Following discussion, of the item, Committee **RESOLVED to REFUSE** the application, overturning the officer's recommendation for the following reasons:

**Reason**

The proposal by virtue of its size, scale, bulk and massing including its excessive footprint would form an overly dominant form of development that would be out of keeping with and detrimental to the character and appearance of the area. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Policy DM01 of the Adopted Development Management Policies DPD 2012 and the Council's Residential Design Guidance Supplementary Planning Document 2013.

**Votes were as follows:**

For (in favour of officer recommendation)	3
Against	4
Abstain	0

Members moved a motion, proposed by Councillor Farrier and seconded by Councillor Khatri, to vote to refuse the planning application.

**Votes were as follows:**

For	4
Against	3
Abstain	0

Reasons were outlined as follows:

- Size and Bulk
- Out of keeping

**11. 129 MILLWAY LONDON NW7 3JL (16/0318/FUL) ERECTION OF 2 NO, TWO STOREY SEMI-DETACHED HOUSES**

Following presentation of the officer’s report and addendum, oral representations were heard from Mr Dean Goodman, representative of a neighbour objector and the applicant Mr Oliver Bruh.

Following discussion, Members **RESOLVED to APPROVE** the application as per the officer recommendation and additional conditions as outlined in the addendum as follows:

**Condition**

Before the development hereby permitted is occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse containers where applicable, together with a satisfactory point of collection from the front of the property, shall be submitted to and approved in writing by the local planning authority and shall be provided at the site in accordance with the approved details before the development is occupied.

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

**Votes were as follows:**

For	3
Against	3
Abstain	1

The Chairman used her casting vote in favour approval. The vote for approval was therefore carried.

**12. 16 TRETAWN GARDENS LONDON NW7 4NR**

Members were presented with the planning officer’s report and received oral representations from Mr John Canavan and Mr Roger Huby, neighbours who objected to the application, and Councillor John Hart. A representation was also received from Ms Caroline Apcar, the applicant’s agent.

Members discussed the scheme and **RESOLVED to APPROVE** the application.

**Votes were as follows:-**

For	4
Against	3
Abstain	0

**13. 26 TRETAWN GARDENS LONDON NW7 4NR**

Following presentation of the planning officer's report, the Committee received an oral representations from Councillor John Hart objecting to the application and Mr Alex Yearsley, the applicant's agent.

Following discussion by the committee, it was **RESOLVED to APPROVE** the application. Votes were as follows:

For	4
Against	2
Abstain	1

**14. 57 FOSCOTE ROAD LONDON NW4 3SE**

The planning application was presented to Committee for consideration. Oral representations were received from Mr Harihar Patel who objected to the application and Mr David Tamir, the applicant.

Members discussed the item and **RESOLVED to APPROVE** the application as per the officer recommendation and with the recommendation that the property which is a house in multiple occupation, is referred to Housing for an Housing Standards Review.

**Votes were as follows:-**

For	5
Against	1
Abstain	1

**15. 100 SEVINGTON ROAD LONDON NW4 3RS**

Members were presented with the planning officer's report and heard a written representation from Ms M Mchale who, after registering to speak, was not able to attend in person but who had the Chairman's agreement to submit her objection in writing, and read out on her behalf by the Committee Chairman. An oral representation was also heard from the applicant's agent, Mr Gurvitz.

Following discussion, the Committee **RESOLVED to APPROVE** the application in accordance with the officer recommendation and the approved plans.

**Votes were as follows:**

For	6
Against	0
Abstain	1

**16. 91 AUDLEY ROAD LONDON NW4 3EU**

Following presentation of the planning officer's report, Committee received a representation from Mr Ravi Shekh, the applicant.

The Committee discussed the scheme and **RESOLVED TO APPROVE** the application and voted **unanimously in favour** of the planning application.

**Date of the next meeting**

Wednesday 15 June, preceded on 14 June at 9.30am by the site visit.

Councillor Gordon, as Committee Vice-Chairman extended his thanks and those of the whole committee to Councillor Braun for her work as Chairman over the last municipal year.

The meeting finished at 9.58 pm

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**Location**                                **55 Sheaveshill Avenue London NW9 6SD**

**Reference:**                                **16/0948/FUL**

Received: 15th February 2016

Accepted: 15th February 2016

Ward:                                        Colindale

Expiry 11th April 2016

Applicant:                                 Dr Ijeoma Ukachukwu

Proposal:                                    Change of use from C3 use (residential) to D1 use (Surgery) at ground floor level. 1 no. self-contained flat at first floor level. Single storey rear extension. Associated Cycle and refuse store, 5 no. off-street parking spaces and amenity space

AGENDA ITEM 5

**Recommendation:** Approve subject to conditions

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

- No. A-0G-01 Rev G, A-01-01 Rev G, A-0R-01 Rev G, A-76-01 Rev G, A-78-00 Rev G (received: 15/02/16)

- No. A-0G-00 Rev F, A-01-00 Rev F, A-0R-00 Rev F, A-76-00 Rev F (received: 15/02/16)

- Design and access statement (received: 31/05/16).

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

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

Reason:

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

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

Reason:

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

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

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 6 The property on the first floor shall be used as a self-contained unit as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 7 The floor plan layout as shown on the hereby approved plans must be implemented and retained as such thereafter.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 8 Prior to the 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 policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 9 The premises (ground floor) shall be used as a doctors surgery and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that



Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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

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

- 11 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with drawing No A-0G-01 Rev G submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 12 The cycle spaces shall be implemented in full accordance with plan no. A-0G-01 Rev G prior to 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).

- 13 The use hereby permitted shall not be open to members of the public before 09:00 or after 18:00 Monday to Friday. The surgery will not open on weekends or bank holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 14 At no time shall the total number of GP's working within the proposed surgery exceed two.

Reason: To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties in accordance with policies in the Barnet Local Plan and London Plan.

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

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

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

**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 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. 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. Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. 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 as part of the crossover application. The outcome of this assessment cannot be prejudged.

A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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 as part of the crossover application. The outcome of this assessment cannot be prejudged.

A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

## **Officer's Assessment**

### **1. Site Description**

The application relates to a semi-detached single family dwelling house

The surrounding area is predominantly residential, characterised by two storey semi-detached houses with pitched roofs.

### **2. Site History**

Reference: 15/03794/FUL

Address: 55 Sheaveshill Avenue, London, NW9 6SD

Decision: Refused

Decision Date: 24 August 2015

Description: Change of use of from C3 (residential) to D1 (Doctor's Surgery) including single storey rear extension

Reasons for refusal:

1. The proposed change of use from a single family dwelling house to a doctors surgery (D1) results in the loss of housing, to the detriment of the supply of housing in the Borough. This would be contrary to Policy 3.14 of The London Plan (2015) and Policy DM07 of Barnet's Development Management Policies DPD (2012).

2. The proposed development, by reason of the intensity of the use, would lead to a level of activity and associated comings and goings, that would be detrimental to the residential amenities of the occupiers of the neighbouring residential properties, contrary to Policy DM13 of the Adopted Development Management Policies DPD (2012).

### **3. Proposal**

- Change of use from C3 use (residential) to D1 use (Doctors Surgery) at ground floor level.
- Creation of 1 no. self-contained flat at first floor level.
- Single storey rear extension.
- Associated Cycle and refuse store, 5 no. off-street parking spaces and amenity space.

### **4. Public Consultation**

Consultation letters were sent to 53 neighbouring properties.

58 Objections were received (summarised below) and a petition with 9 signatures was also received.

- Increase in parking pressure and congestion
- Oversupply of doctors surgeries in the local area
- Harm the character of the area
- New use could affect property prices
- Some neighbours not consulted
- Those attending the GP surgery would not come from 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM08, DM13, DM17.

Other Material Considerations:

Residential Design Guidance (April 2013)

Sustainable Design and Construction (April 2013)

Planning Obligations SPD (April 2013)

#### Supplementary Planning Documents

## 5.2 Main issues for consideration

The main issues in this case are considered to be covered by the following main areas:

- Whether the loss of the existing house is acceptable
- Principle of flats in this location
- Impact on the amenities of neighbouring occupiers
- Whether the proposed extensions would harm the character of the area
- Impact on future occupiers.
- Whether the impact on highway and pedestrian safety would be acceptable

## 5.3 Assessment of proposals

### Whether the loss of the existing house is acceptable

The previous application (15/03794/FUL) included the following reason for refusal:

*The proposed change of use from a single family dwelling house to a doctors surgery (D1) results in the loss of housing, to the detriment of the supply of housing in the Borough. This would be contrary to Policy 3.14 of The London Plan (2015) and Policy DM07 of Barnet's Development Management Policies DPD (2012).*

Since the previous refusal the scheme has been revised and now includes the provision of a 2 bedroom, 4 person self-contained residential unit at first floor level. This unit would have a private entrance utilising the existing front door and would have sole access to a partitioned, private amenity area to the rear of the site. Given the size of the unit and associated amenity space this unit would appeal to small families thus retaining the family unit and therefore overcoming the reason for refusal cited above.

### Principle of flats in this location

With regard to the creation of a flat, 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. A search of council tax records for the street reveals no historic conversions. Furthermore a search of the planning registry has found that no permission has been granted for the conversion of any dwelling on Sheaveshill Avenue to flats. In this instance, the principle of a conversion from a single family dwelling to flatted development would normally be objectionable, as flats are not a characteristic feature of the street.

However, when forming a decision, the Local Authority must assess the potential harm caused against any potential public benefit which may be derived from the scheme. In this instance:

- The site is located within in an area which has been described in policy as likely to suffer from a future deficit of doctor practises due to the proximity to large scale regeneration projects.
- The property is on a corner plot which, by nature of its siting, appears less domestic in character than other properties in the local area.

Providing that associated advertisement boards were not overly dominant or obtrusive, it is not considered that the proposed use would appear drastically out of character with the local area, especially considering the reduced scale of the proposed D1 use when compared to the previous application. On balance it is considered that, bearing in mind the fact that a residential use would be retained within the property, the harm caused to the character of the local area would be outweighed by the public benefit associated with the creation of a doctor's surgery.

#### Impact on the amenities of neighbouring occupiers

The second reason for refusal (15/03794/FUL) in the previous application included the following:

*The proposed development, by reason of the intensity of the use, would lead to a level of activity and associated comings and goings, that would be detrimental to the residential amenities of the occupiers of the neighbouring residential properties, contrary to Policy DM13 of the Adopted Development Management Policies DPD (2012).*

This reason for refusal related to the scale of the proposed surgery and the level of activity this would create. Following the previous refusal this element has also been amended. The scale of the proposed surgery has been significantly reduced and would now include only 2 consulting rooms, a reception area, an office and ancillary facilities (toilets/kitchen/staff room).

Compared to the previously refused scheme, the maximum number of individuals likely to be present at any one time has thus been drastically reduced (estimated at 15 individuals). The site layout has also been amended so that the entrance into the surgery as well as the proposed parking spaces (no.5) would be located away from the adjoining neighbouring property, limiting any noise and disturbance.

Internally the layout has also been redesigned in order to limit the noise and disturbance through the party wall into the adjoining neighbouring property, with the waiting room has been relocated to the centre of the property.

Notwithstanding this, a condition relating to sound insulation has been included to appease any remaining concerns relating to noise and disturbance. Due to the reduced scale and amended internal and site layout, it is not considered that the proposed scheme would lead to a significant impact upon the residential amenities of the occupiers of the neighbouring residential properties.

#### Whether the proposed extensions would harm the character of the area

In terms of scale, the proposed 3m deep single storey rear extension would match others found in the local area. This element would also be partly obscured from the street as the property benefits from a 1.5m high boundary fence (to be retained), further reducing the impact.

The extension would therefore comply with the aforementioned policies and guidance and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

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

Floor Area :

The following units are proposed:

Flat 1            2 bedroom 4 person            72m<sup>2</sup>

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

Amenity Space:

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm). The 1st floor unit would be provided with a private amenity area which exceeds the above requirement.

Internal Stacking:

Policy DM04 part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. To mitigate the transfer of horizontal and vertical noise a condition has been included requiring the applicant to submit a noise report, to be agreed by the local authority prior to the unit coming into use.

Light/outlook:

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

Parking

The proposal is to create a 2 bedroom residential property at first floor level and change the use of the ground floor to provide a doctor's surgery.

A doctor's surgery will accommodate 15 people at any one time comprising 2 GPs, 2 part time receptionists, 1 nurse and admin staff (total = 9 members of staff working on different shifts) and up to 8 patients waiting at any one time. It is proposed that all sessions will be pre-booked to prevent overcrowding.

A separate entrance to the flat is being provided.

Parking Provision:

A total of 5 parking spaces are being provided of which 1 parking space will be designated for the residential use. 4 parking spaces are being identified for the proposed Doctor's Surgery including a disabled parking space.

Parking Survey:

The applicant commissioned a parking survey on roads within 200m walking distance in the vicinity of the site.

The survey demonstrates that there are parking spaces available on street. The applicant has also assumed that the majority of patients visiting the premises will be local residents arriving by foot or public transport.

Cycle Parking: A total of 4 cycle parking spaces are proposed are proposed for the use by 9 staff and the residential use. A condition is included to provide cycle parking spaces in accordance with recommendations in the London Plan.

Access: It is proposed that vehicular, cycle and pedestrian access to the property will be via two new crossovers on Sheaveshill Avenue. The existing front entrance on the front elevation will be used for access to the first floor flat. Access to the surgery will be from the rear. A ramped access to the surgery is proposed for the buggies and wheelchair users.

The applicant is advised that there is a highway tree in the close proximity of the proposed new vehicular access. Therefore, any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers is subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980

Refuse: The surgery will have a waste store for general waste and recyclable waste. This will be located at the side of the property, adjacent the cycle /buggy parking at the rear. The enclosure will be locked and will be adjacent to the boundary. All medical waste will be stored in the building and will be removed frequently by a specialist medical waste removal company (Veolia).

The proposal is acceptable on highways grounds, subject to the attached conditions.

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

Increase in parking pressure and congestion: Addressed in 'assessment of proposals' above.

Oversupply of doctor's surgeries in the local area: Addressed in 'assessment of proposals' above.

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

New use could affect property prices: The change in property prices has been considered but given no weight in this instance as this is not a planning material consideration.

Some neighbours not consulted: The consultation process was carried out in accordance with Barnet's statutory requirements and a number of responses have been received.

Those attending the GP surgery would not come from the local area: The applicant has confirmed the GP surgery patients live in the immediate area and it is also worth noting the surgery was located on this Rod.

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

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



## 7. Conclusion

The application is recommended for Approval.



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**Location**                      **North Land Of Garrick Estate Garrick Industrial Centre Irving Way  
London NW9 6AQ**

**AGENDA ITEM 6**

**Reference:**                      **15/04144/FUL**

Received: 3rd July 2015

Accepted: 6th July 2015

Ward:                              Colindale

Expiry 5th October 2015

Applicant:                      Mr

Proposal:                              Erection of 2 no. two storey B1 (Business), B2 (Food Processing) and B8  
(Storage and Distribution) units, including 45 no. new parking spaces, cycle  
storage and associated works

**Recommendation:** Approve subject to s106

#### RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 3. A requirement that the applicant shall enter into a Strategic Travel Plan that seeks to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion.
4. A contribution of £25,000 towards the monitoring of the Travel Plans for the development.
5. Secure a Stopping Up of the existing public highway within the site under TCPA Section 247.
6. The applicant to provide commitment to construct a new turning head to replace the existing being replaced by the proposed development to adoptable standards and to offer newly constructed turning head for adoption under S38 of the Highways Act.
7. Associated works on public highway to further the development to be carried out under S278 of the Highways Act.
8. A contribution of £1500 towards the monitoring of the S106 agreement.

#### RECOMMENDATION II:

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

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

05369\_MP\_00\_0000 Existing Site Location Plan  
05369\_MP\_00\_0200 Proposed Site Location Plan  
05693\_MP\_00\_0201 Proposed Site Plan RevP7  
05369\_B1\_02\_2200 Proposed Ground Floor Plan Unit 25RevP4  
05369\_B1\_02\_2201 Proposed First Floor Plan Unit 25 RevP4  
05369\_B1\_02\_2202 Proposed Roof Plan Unit 25 RevP4  
05369\_B1\_04\_2200 Proposed East Elevation Unit 25  
05369\_B1\_04\_2201 Proposed West Elevation Unit 25  
05369\_B1\_04\_2202 Proposed North Elevation Unit 25  
05369\_B2\_02\_2200 Proposed Ground Floor Plan Unit 26  
05369\_B2\_02\_2201 Proposed First Floor Plan Unit 26 RevP4  
05369\_B2\_02\_2202 Proposed Roof Plan Unit 26  
05369\_B2\_04\_2200 Proposed West Elevation Unit 26 RevP3  
05369\_B2\_04\_2201 Proposed North Elevation Unit 26 RevP3  
05369\_B2\_04\_2202 Proposed South Elevation Unit 26 RevP3  
05369\_B2\_04\_2203 Proposed East Elevation Unit 26  
05369\_B1\_05\_2200 Existing/Proposed Section BB Unit 25  
05369\_B2\_05\_2200 Existing/Proposed Section CC Unit 26 RevP3  
05369\_B2\_05\_2201 Proposed Section DD Unit 26 RevP3

Design and Access Statement

Amended Delivery Noise Assessment Report dated 22nd April 2016 ACECOM and noise mitigation proposals.

Odour Management Plan 60487090\_AQ\_02 dated 19/02/2016 by AECOM.

Mayer Brown Transport Assessment June 2015.

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

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

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

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

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

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

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

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

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

5 a) No development other than demolition works shall take place until details of the proposed green walls have been submitted to and approved in writing by the Local Planning Authority.

b) The green walls 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.

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

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

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

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

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

## Part 2

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

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

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 have been

submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

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

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

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

10 Before the development hereby permitted is occupied, details of the parking spaces shall be provided in accordance with a revised parking layout drawing to be submitted following the resolution of Stopping Up of existing public highway and provision of new turning head and shall be approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with 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.

11 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include for the provision of 20% active and 10% passive parking spaces with electric vehicle charging facilities. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

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.

12 Before the development hereby permitted is occupied details of cycle parking spaces to be provided in accordance with London Plan cycle parking standards shall be submitted and approved in writing and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

13 Prior to occupation of the development shower facilities shall be provided to encourage the use of cycling as an alternative mode of transport in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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.

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

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

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



15 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles 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.

16 Prior to the commencement of the development hereby approved, details of the existing public highways affected by the proposed development to be stopped Up under Section 247 of the Town and Country Planning Act shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate public access is provided throughout the development.

17 Prior to the commencement of the development, details of the revised public highway to provide turning head for commercial vehicles to replace the existing turning head junction(s) between the proposed service/access road(s) and the highway shall be submitted to and approved in writing by the local planning authority; and the development hereby approved shall not be occupied until the turning head has been constructed in accordance with the approved details.

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

18 Prior to the units being brought into use in accordance with the hereby approved plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

19 The premises shall be used for B1 (b) B1 (c), B2 Food Processing or B8 and for no other purpose (including any other purpose in Class B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

20 a.) Prior to either or both the units being brought into use as a commercial bakery (unrestricted operation hours) in accordance with the hereby approved plans, a Delivery Management Plan expanding upon the principles as outlined in the draft Delivery Management Plan, shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and reviewed after a 3 month period. The applicant shall submit a statement for review after 3 months of implementation for assessment.

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

21 If, the units are be used for any light industrial (B1(b) or B1(c)) or B8 use, such uses shall not operate at any time on Sundays, Bank or Public Holidays, or before 5am or after 11pm on any other day.

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

22 a) The non-residential development is required to meet the BREEAM very good; level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

24 a.) Prior to the commencement of the development details comprising a scheme of measures to enhance and promote biodiversity at the site expanding upon the principles outlined in the Phase 1 habitat survey shall be submitted the Local Planning Authority and approved in writing.

b.) The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

25 a.) Prior to the commencement of the development details comprising a scheme for the removal of the Japanese Knotweed shall be submitted the Local Planning Authority and approved in writing.

b.) The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

26 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation of unit 25 or unit 26 facing the rear of 2-36 Colin Drive or the side elevation of 178 Colin Gardens.

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).

27 a.) Prior to either or both the units being brought into use as a commercial bakery (unrestricted operation hours) in accordance with the hereby approved plans, an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and reviewed after a 3 month period. The applicant shall submit a statement for review after 3 months of implementation for assessment.

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

### RECOMMENDATION III:

#### 0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 02/09/2016 , unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to produce a full Travel Plan and meet the associated monitoring costs of the travel plan. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

2. The proposed development does not include a formal undertaking to undertake necessary highways works. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The applicant is advised that Wilberforce Road is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00am-9.30am & 4.30pm-6.30pm Mon-Fri. Careful consideration must also be given to the optimum route(s) for construction traffic. Please contact Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555 for further advice.
- 4 The applicant is advised that any alterations if required to the existing waiting and loading restrictions on public highway as a result of the proposed development will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 5 The applicant 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 S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for approval. Any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway.

To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 6 The applicant is advised that prior to carrying out any construction works on public highway trial holes must be carried out in order to locate and to identify the cover depth of all existing services affected by the proposed highway works. Prior to excavating the trial holes the applicant is advised to contact the highway's Development Control Section in order to arrange a site meeting and agree the location of the proposed trial holes and to ensure that a Council's Highway Engineer is present to witness the trial holes and record the cover depths of all services exposed. The application for the proposed highway works will only be registered for processing once the trial holes have been carried out on site in the presence of a

Highway Engineer. The applicant will require a work permit licence from the Council prior to carrying out any trial holes on public highway.

The address and contact details for the Development Control Team is as follows.

Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 7 The applicant is advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular access in accordance with the Manual for Streets.
- 8 Please note that aside from planning permission, any works within 8m of the watercourse may also require consent for works under the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. For further information the applicant should contact a Flood Risk Officer on 01707 632419.
- 9 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £105700.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £407700.00 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will

incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

## **Officer's Assessment**

### **1. Site Description**

Garrick Industrial Centre and Connaught Business Centre is identified in Barnet's Development Management Plan Policies as a Locally Significant Industrial Site which is a total of 2.3 hectares in area.

The industrial estate is located to the east of West Hendon town centre. It is accessed via Irving Way and Garrick Road, which directly connects with the A5 (Edgware Road/West Hendon Broadway).

The existing Estate currently provides a total of 291 marked car park bays, including 2 disabled parking spaces.

The site falls outside of the West Hendon Regeneration Area. There has been a historic planning application for a sub-station on this part of the site to serve the regeneration area, however, this is not considered to be necessary any longer.

## **2. Site History**

Reference: H/01508/08

Address: Unit 21, Garrick Industrial Centre, Irving Way, London, NW9 6AQ

Decision: Approved subject to conditions

Decision Date: 7 August 2008

Description: New loading canopy to rear of unit with acoustic screen. Ventilation louvre in side elevation. Fire exit door in side elevation. Variation of conditions 6 and 7 of planning permission W01406DJ/08 dated 28/03/08 to allow 24 hour usage of the site (AMENDED DESCRIPTION)

W16162/07 - 'Erection of a new primary sub-station and compound' - approved April 2008; and

H/01185/11 - 'Extension to the time limit for implementing planning permission W16162/07 dated 09/04/08 for "Erection of new primary sub-station and compound" - approved May 2011.

## **3. Proposal**

The application relates to the erection of 2 no. two storey B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) units, including 45 no. new parking spaces, cycle storage and associated works.

The application is for the creation of two new commercial units on Land to the North of the existing Estate which will create an additional 3,020 sqms GIA floorspace within flexible B1, B2 (food processing) and B8 uses. This will create new units as follows:

- Unit 25 - 1,604 sqms GIA; -
- Unit 26 - 1,416 sqms GIA. A stand-alone B1 / B2 / B8 unit within the Estate

The Bread Factory located on the site currently occupies six units on the Estate and has interest in occupying the new unit 25. However, at this stage this has not been confirmed and as such the applicant does not wish to have a specific user listed.

Should the Bread Factory take on one or both of the units it is proposed that in order to accommodate The Bread Factory's business model, the Units would need to be operational on a 24 hour basis consistent with its operations elsewhere on the Estate.

## **4. Public Consultation**

Consultation letters were sent to 97 neighbouring properties.

12 responses have been received, comprising 11 letters of objection, 1 letter of support and 0 letters of comment.

The objections received can be summarised as follows:

- Environmental impact on neighbouring properties: increased noise, air pollution, increased dust, general disturbance, odour.

- Noise from associated working including clattering of trolleys, general noise from operations, vehicle noise, stereos being played.
- Loss of amenity of neighbouring properties - loss of privacy, overbearing development.
- Impact of the new buildings and associated high wall on the aesthetic environment of surrounding residential properties.
- Noise levels are already high when workers are working late. The proposal will aggravate the situation.
- Wall can only lower the noise level not remove/prevent interference.
- Impact of lighting on neighbouring properties.
- Loss of trees will result in the loss of the buffer zone. Loss of trees will also result in the loss of green views and soft landscaping.
- Increased traffic.
- Increased chance of vermin due to location of waste storage.
- Disturbance to sleep pattern.
- Impact on peaceful use of gardens.
- Workers converse very loudly and using obscene language almost shouting without having any consideration for the nearby residents whether this is during the day or night
- Clean Air Act 1956 which introduced the Smoke Control Areas which Barnet is part of, currently the Garrick estate has the Bakery in which the level of smell and pollution constitutes a big hazard for our properties making the air smelly and polluted, the proposed car park will be right at the back of our property this will involve trucks and lorries coming in and out not to mention the normal cars, this will be very polluted with the car fumes and emission also from our experience with the bakery the lorries and trucks leave their engines running throughout the night while loading and unloading, this will be very detrimental to our health inhaling those fumes all day and night as well.
- The commercial units are not in scale with the residential properties.
- Overlooking.
- Does not comply with the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.
- Loss of light - lighting assessment recognises there will be an impact.
- Increased fire hazard.
- Japanese knotweed is an existing problem.
- Increased security risk
- Local overcrowding.
- Impact on property prices.
- Commercial gain should not outweigh impact on neighbouring residents.
- Trees along railway were cut a while ago which left properties more vulnerable to noise and pollution from M1 and railway.

Environment Agency - No objections. The plans show that access to the watercourse will be available following the development. It is imperative that this access is maintained for future inspections and maintenance.

Thames Water - No objections. Applicant is advised that separate consent would be required from Thames Water for works close to the public sewerage. The applicant is advised to contact Thames Water directly.

Traffic and Development - No objections subject to conditions and S106 agreement



Environmental Health - No objections subject to conditions, in particular relating to a management plan for any proposal that will involve an expansion of the 24 hour operation of the site.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 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, DM04, DM14, DM17.

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 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;
- Environmental Health considerations;
- Traffic and Parking impacts

## **5.3 Assessment of proposals**

### Principle of use

Policy DM14 of the Development Management Plan Policies indicates that new industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas. Proposals for new employment space will be expected to provide on site servicing for the intended use and include space for waiting for goods vehicles.

The existing Garrick Industrial site is an established industrial/ warehouse site and as such the principle of the use is considered to be acceptable and would comply with the policy requirements of CS1 of the Core Strategy and DM14 Development Management Plan Policies. The provision of B1, B2 and B8 uses in this location is therefore considered appropriate.

### Principle of new units

### Character and appearance

The site is currently an industrial estate with large industrial units and associated hardstanding to provide parking for the users of the site. The proposed units in terms of design, bulk, height and scale are considered to be comparable in regards to the existing units and are considered to be appropriate within its context.

The proposal will in part build on an existing strip of greenspace that currently exists between the industrial estate and the neighbouring residential properties. It is not considered that the loss of some green space in this location, which is not publically accessible, will be detrimental to the character of the area.

### Amenity of neighbouring residential properties

Two new industrial units are proposed to the north of the site adjacent to Colin Drive referred to as Unit 25 and Unit 26. Both new units will be connected to existing units on the site.

Unit 25 will be sited to adjoin Unit 21 which is currently occupied by The Bread Factory. Unit 25 will be sited closest to 2 - 10 Colin Drive and the side elevation of 178 Colin Gardens. The proposed unit is sited approximately 19.3m from the existing boundary at the rear of Colin Drive. A distance of approximately 2.5m is maintained between the

existing boundary of the residential units and the proposed acoustic fence. A distance of approximately 34.5m is proposed between the ground floor projection of 2 Colin Drive and the new unit.

A distance of approximately 20m is provided between the side elevation of 178 Colin Gardens and unit 25.

The existing landscaping bund will be excavated so the building will be built on a lower ground level than currently exists between the site and Colin Drive. The eaves height of the unit will be approximately the same as the eaves height of the residential properties. Given the distance maintained and the overall height of the proposed units it is considered that the proposal will have a satisfactory relationship to the neighbouring units.

Unit 26 will be sited closest to properties 16-32 Colin Drive which back on to the site. The unit (26) is sited approximately 31m from the main rear building line of the properties that back on to the site and approximately 9.5m from the existing rear boundary treatment in the form of a metal fence. Both units will be two storeys in height with a shallow pitched roof. As existing there is an existing landscaping bund which separates the application site from the rear gardens of the residential properties. As part of the development this bund will be removed and the levels will be excavated to set the proposed buildings lower into the application site. The eaves of the new building will align approximately with the eaves level of the residential properties. Given the distance maintained between the residential properties, the distance between the gardens and the lowering of the ground levels, it is considered that the proposed unit is acceptable in terms of the impact on the residential amenities of the neighbouring properties.

No windows in the elevations facing towards Colin Drive and Colin Gardens are proposed, this will be maintained as such and secured by way of condition.

A green wall system has been proposed to provide a softer view of the new units and to mitigate against the loss of the trees currently forming part of the boundary between the application site and neighbouring residential properties in Colin Drive and Colin Gardens.

An acoustic fence is to be incorporated to mitigate against noise disturbance to the residential properties backing on to the site. This will be set approximately 1.6m from the existing fence which is being maintained. The acoustic fence is to be of a similar height to the existing boundary behind the residential properties. As such the fence itself is not considered to result in a visually obtrusive or overbearing feature when considered from the residential units and the associated rear gardens.

Staff parking is proposed along the boundary of the site, however, this will be set below the height of the existing fence and proposed acoustic fence and as such there will not be a visual amenity issue of vehicles parking along this boundary. The noise impact of the parking spaces is covered in the next section of the report.

#### Environmental Health considerations

An acoustic fence is proposed to mitigate against noise and disturbance generated by the proposal. The acoustic fence will measure 2.5m but will be set on higher land than the ground level of the new unit. From the ground level of the new unit the built up land and associated acoustic fence will have a height of 4m to attenuate noise omitted from vehicles in this part of the site. Following discussions with the agent it has been confirmed that in the event the units are occupied by The Bread Factory that most of the vehicles which will

serve the proposed Units are non-refrigerated light luton vans (e.g. light good vehicles of 2.5 tonnes) and although rare, the largest vehicle anticipated to be used would be a 16.5m vehicle (3.87m high) (and to be clear, this is not a HGV but is the maximum size of an LGV). Aecom (noise consultants) has subsequently confirmed that the height of the acoustic barrier at 2.5m (approximately 4.07m including the raised ground) will effectively mitigate noise generated by vehicle engines (which are located at a height of approximately 1m and represent the main source of noise in the case of non-refrigerated vehicles).

The fence will be of similar height to the existing boundary fence that runs along the rear of Colin Drive, as such the introduction of this is considered to help minimise the impact of noise from the expansion of the existing industrial site.

The end users of the new units have yet to be confirmed. On the basis that the Bread Factory wish to occupy either or both of the units a draft Delivery Management Plan has been submitted to control the 24 hour operation of the site. This will be secured by way of condition and assessed after a 3 month period to allow for the council to monitor and amend the operation of the units if and when required to protect the amenities of the neighbouring residential occupiers.

As part of the delivery management plan the use of the proposed parking spaces which line the rear boundary with Colin Drive will be monitored and reviewed after a 3 month period. Also suggested within the Delivery Management Plan is that the use of these spaces will be kept to a minimum between 9pm - 7am and this will be reviewed to consider whether further measures to prevent parking of vehicles in these spaces is required.

Deliveries to unit 25 will be predominately carried out through the existing unit 21, deliveries between 9pm and 7am will be carried out by light vehicles only. Further details will be provided in the full Delivery Management Plan to be submitted and required by way of condition.

The Environmental Health team have reviewed the application and have not raised any concerns regarding air pollution or odour control. The officer has the following comments:

## NOISE

Comments re: Amended Delivery Noise Assessment Report dated 22nd April 2016 by Christos Nestoras, AECOM and Noise Mitigation Proposals.

The planning application details show that the redevelopment/expansion of the Garrick Road Industrial Estate with the two additional proposed units will bring the activities of the industrial estate much closer to the residents on the adjacent residential housing estate. In addition to this as part of the redevelopment the tree covered mound between the residential housing and the industrial estate (which acted as a noise buffer) will be removed to make room for the new industrial units. The noise report shows that there will be a high number of deliveries during the night, for example between 01.00 - 6.00 there are 64 vehicle movements from 3.5 Tonne Luton Vans and 29 vehicle movements from Jumbo Transit Vans. (93 delivery vehicle movements in total.) Approximately 1 delivery vehicle every 3 minutes with associated unloading /loading activities throughout the night.

As the proposed new units if occupied by The Bread Factory will bring the 24h activities of the industrial estate much closer to the residents than the current operation, there would

be a significant risk of noise from delivery vehicles and the activities associated with the deliveries that could cause a disturbance to residents particularly throughout the night.

The noise report has proposed mitigation to minimise the risk of the noise causing a disturbance to residents. The noise mitigation proposals in the report would need to be strictly adhered to for the risk of noise disturbance to be effectively minimised.

The mitigation proposals to ensure noise is minimised include:

- o Erecting a 4m high acoustic barrier along the northern site boundary between the residential housing and the industrial estate.
- o A Delivery Management Plan.
- o A review of the Delivery Management Plan after an initial period of 3 months.
- o Restricting the use of car parking bays along the boundary to the rear of the residential houses.
- o Planning Bespoke Condition to ensure only The Bread Factory can operate from the proposed units on a 24 hours basis.

The mitigation proposals detailed in the report and the Delivery Management Plan must be implemented in full.

## ODOUR

Comments re: Odour Management Plan ref: 60487090\_AQ\_02 dated 19/02/16 by Matthew Hill, AECOM.

To date there have been no recorded complaints of odour from the existing factory. The movement of source to new units at a location closer to residential housing could cause complaints. The operations within the new units are expected to be similar to operations within the existing units.

Mitigation proposals to ensure odour is minimised include:

- o A Odour Management Plan
- o Review of Odour Management Plan on a yearly basis.

These will be secured by way of condition

## Traffic and parking considerations

The applicant has confirmed that currently unit 21 which will be extended as part of the proposal, the following staffs are employed at the exiting unit over the course of a typical weekday:

- o Morning shift: 15 employees working from 0500 - 1300 hours
- o Mid shift: 15 employees working 1300 - 2100 hours

o Night shift: 15 employees working 1700 - 0100 hours

The extension of the unit is likely to result in the following additional number of staff being employed over the course of a typical weekday:

o Morning shift: 18 employees working from 0600 - 1600 hours

o Night shift: 22 employees working 1600 - 0300 hours

Therefore the consultants have stated in the Transport Assessment that the proposed extended unit is not expected to generate any additional arrivals or departures during the typical Weekday AM and PM peak hours, 0800 - 0900 hours and 1700 - 1800 hours respectively.

Notwithstanding the above, it is recognised that the proposed extended unit is predicted to generate an additional 18 employees departing the site between 1600 - 1700 hours. Therefore, the analysis has been based on a Weekday PM Peak hour of 1600 - 1700 hours.

The proposed development is divided in two distinct areas. The first area is situated to the north of existing units and includes part of the existing car park as well as a landscape bund beyond. The second area, situated between Units 17 and 18 to the south of Unit 18, has been identified for additional parking provision to serve the Estate.

#### Parking Provision:

It is proposed that any loss of existing parking provision will be replaced in addition to the parking proposed for the new units.

With the proposed development in place, a total of 336 marked car park bays will be provided at the Estate including the additional 45 parking spaces.

The proposed additional 45 car park spaces includes the provision of 5 disabled spaces, 5 enlarged standard spaces to cater for potential future provision of disabled spaces and 10 electric vehicle charging bays. The disabled and enlarged standard spaces are located in areas convenient to the building entrances.

#### Cycle Parking Provision:

18 cycle parking spaces are proposed.

#### Vehicular Access:

The vehicular access to the various units on the Estate is from Irving Way from several access junctions, each serving separate areas of car parking.

Irving Way effectively forms the spine road within the Estate and forms the minor arm of a simple three-arm priority junction with Garrick Road / Wilberforce Road.

The proposed alteration to the existing highway is likely to require Stopping Up of the existing public Highway under the TCPA section 247.

The applicant also needs to make alternative provision for the turning head for vehicles including the HGVs. The turning head will need to be constructed in accordance with the

Council's adoptable standards and to be offered for adoption under S38 of the Highways Act.

Electrical Vehicle Charging points:

10 Electric Vehicle Charging points (EVCP's) are proposed for the proposed development.

A condition will be applied to secure the provision of EVCPs.

Public Transport Accessibility Levels (PTAL):

The Public Transport Accessibility Levels (PTAL) are graded from 1 for poor accessibility to 5/6 for excellent accessibility. The PTAL assessment of the site is shown as 2 which considered as medium to poor.

Public Transport:

The site is served by bus routes 32, 83, 142, 183, N5 and N16 within the walking distance of the site. The site is also served by school buses 632 and 683.

Underground Train Station:

The nearest Underground Station to the development site is Hendon Central Station and is located at a distance of approximately 1.8km.

National Railway Network:

The nearest railway service to the development site is from Hendon Railway Station and is located approximately 750m south of the proposed units.

Transport Assessment (TA):

The consultants Mayer Brown were appointed to provide the Transport Assessment.

Trip Generation:

Existing Trips:

A Travel Questionnaire (TQ) was issued to the staff at the existing Bread Factory units to ascertain the travel modes of the staff as part of the proposed Travel Plan.

The following Mode Split for Travel was identified from the survey:

- o Car driver on your own - 20%
- o Car share with other staff - 6%
- o Car share with someone else / drop off (not staff) - 1%
- o Bus - 40%
- o Walk - 11%
- o Cycle - 3%
- o Motorbike - 1%
- o Train - 11%
- o Underground - 7%
- o Taxi - 0%
- o Other - 0%

The consultants have considered it reasonable to assume that the new employees at the unit will travel to work with a similar modal split as the existing staff. However, in order to provide a robust assessment they have assumed that all 22 night shift staff working 1600 - 0300 hours would travel by car. Therefore, the modal splits shown above have only been applied to the proposed 18 new staff working 0600 - 1600 hours.

#### Predicted Trips:

The consultants have confirmed that the extended unit is expected to generate only very few (if any) traffic movements associated with visitors. Additionally, the extended unit is not expected to generate any additional service vehicle movements.

The predicted additional vehicle movements associated with the proposed extended unit is likely to generate a total of 171 additional two-way daily vehicle movements. During the Weekday AM (0800 - 0900 hours) and PM (1600 - 1700 hours) peak hours, the proposed development is predicted to generate a total of 12 and 18 additional two-way vehicle movements respectively which equate to one additional vehicle approximately every five and three minutes during the Weekday AM and PM peak hours respectively and therefore is unlikely to have any additional impact on the local highway network.

However, the development is predicted to generate a total of 33 two-way trips between 1500 - 1600 hours. Whilst this represents the development peak hour, it is outside of typical network and assessment peak hours therefore has no material impact on the highway network.

#### Car Park Utilisation:

The consultant have demonstrated that the maximum utilisation of the car park with 45 parking spaces occurs for only a single hourly period with the use of 40 spaces at around 15.00 hrs and that throughout the course of the majority of the day, car park utilisations associated with the development are expected to be in the general range of 20 - 25 spaces. The parking provision of 45 parking spaces is acceptable as the parking requirements for the proposed development can be accommodated within the proposed development.

#### Servicing:

The applicant has confirmed that the existing Bread Factory units typically receive approximately 4 to 5 deliveries during the busiest hourly period and that the proposed extended unit will not directly generate any additional servicing movements.

However, the consultants were advised by the applicant that the largest anticipated vehicle that could be used to serve both the extended and the new unit is a 16.5m long articulated lorry.

The consultants undertook an Autotrack assessment for the 16.5m articulated vehicle as part of TA which demonstrated that the vehicle can access and egress the proposed new units satisfactorily.

#### Junction Capacity Analysis:

The consultants have confirmed that on-site observations undertaken during the Weekday PM peak hour suggest that there the existing Garrick Road / Irving Way / Wilberforce Road



junction operates within capacity with no notable queuing issues. The predicted traffic flows associated with the proposed development will not materially affect the operation of this junction.

#### Personal Injury Accident Analysis (PIA):

Consultants obtained the latest five year personal injury accident data covering a period up to October 2014 from TfL for the Garrick Road / Wilberforce Road / Irving Way three-arm priority junction. The data covers a distance of approximately 100m along each arm.

5 slight PIA accidents were recorded during this period. The analysis of the accidents carried out by the consultants concluded that the proposed development is not expected to adversely affect the accident record on the local highway network.

#### Travel Plan:

A Strategic Travel Plan will need to be provided. A contribution of £25,000 will be required towards the monitoring of the Travel plan.

#### Other issues

##### Loss of trees, green buffer and impact on ecology

The green wall facing the properties on Colin Drive have been proposed to mitigate against the loss of the trees in terms of the aesthetic outlook from the rear windows and garden areas from the residential units. This is considered to help minimise the visual impact of the proposed units.

A phase 1 survey has been carried out of the application site. This did not identify any protected species on site. The site offers little scope to provide a habitat for protected species, however, details of enhancement measures to promote biodiversity on the site, to expand on the principles and recommendations contained within the phase 1 habitat will be secured by way of condition.

The Environment Agency have not raised any concerns relating to flood risk or impact on the Silk Stream.

## **5.4 Response to Public Consultation**

All planning related matters are considered to be covered in the above appraisal. Further to discussions between the Local Planning Authority and the applicants further mitigation measures have been proposed. A delivery management plan will be submitted for any proposal seeking to expand the 24 hour use of the site. This will be reviewed to ensure that the proposal does not cause disturbance to the neighbouring residential occupiers. The delivery management plan will also consider the frequency and type of vehicle movements. The document will also outline a 3 month review of the parking arrangements on site and this will also be undertaken to assess the implications of the new parking spaces on the neighbouring residents. An acoustic fence is also proposed to help minimise any noise disturbance as a result of the new units and associated use.

A green wall is proposed to the side of the new units facing Colin Drive and Colin Gardens to help maintain a more natural outlook when viewed from the windows of the residential units.

The application is accompanied by an ecology report which outlines a number of mitigation measures and also suggests a number of enhancement measures. These are to be secured by way of condition.

Concerns have been raised that as part of the original consent for the Estate an open green strip was to be maintained to provide a buffer between the residential units and the industrial estate. This application must be assessed on its own merits as a standalone proposal. The loss of some greenspace is accepted as it is not considered to change the character of the area and the way it functions to an unacceptable degree. The proposal has been designed to minimise the impact of the loss of this area including providing a living green wall to help maintain a green visual aspect. It is also suggested that trees could be planted within the proposed parking area to provide a level of soft landscaping to the site, a condition for a scheme of landscaping has been conditioned to secure details of landscaping.

To prevent potential for overlooking no windows are proposed in the side elevation of either unit facing towards the residential properties, this will be maintained and secured by way of condition.

A daylight/sunlight report has been submitted with the application and this indicates that the proposal will comply with BRE guidelines 2011 in respect of the impact of daylight/sunlight to the neighbouring residential units.

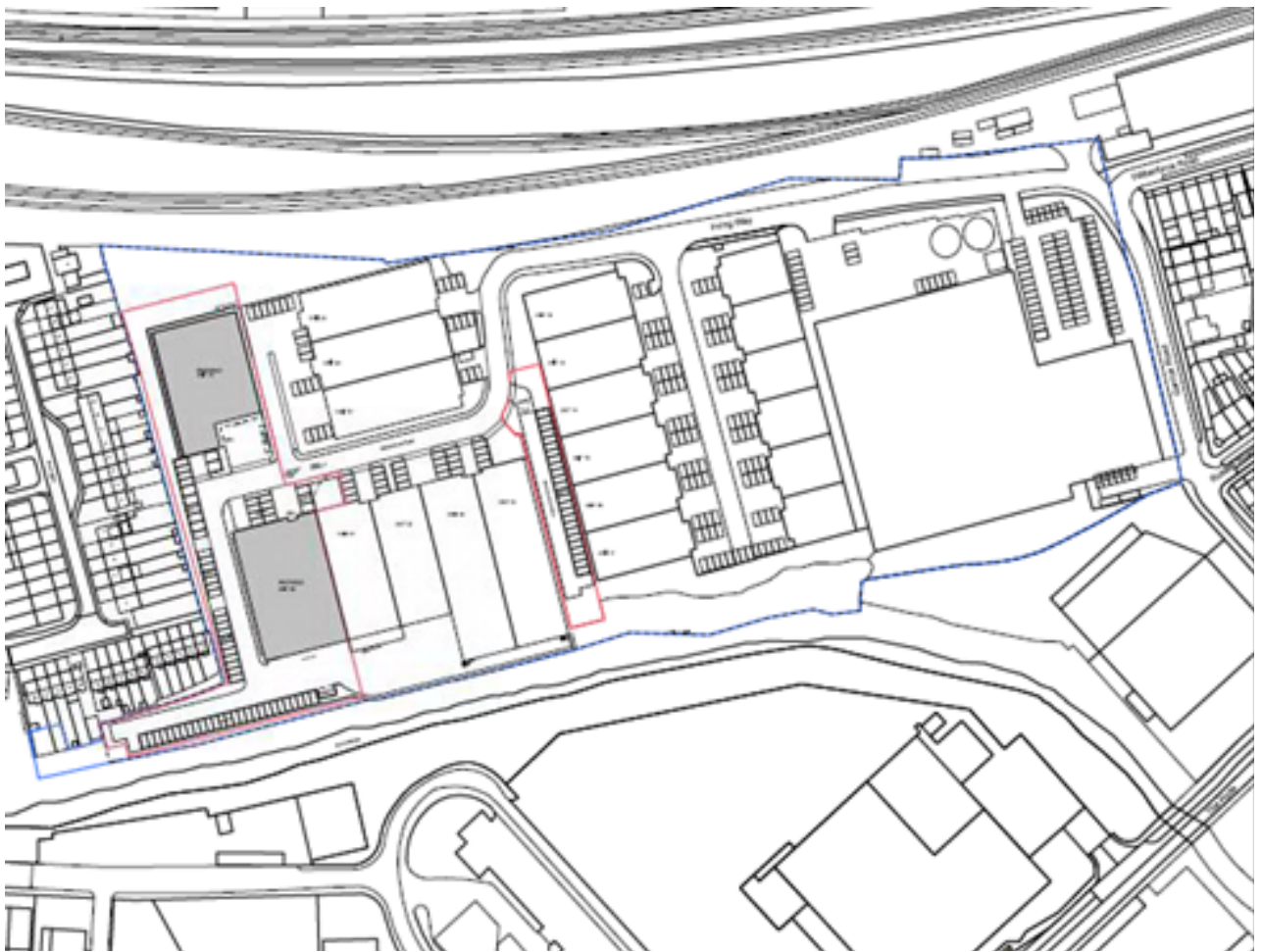
The Traffic and Development team have reviewed the application and consider that with the necessary S106 terms being complied with and on the basis of a full Travel Plan being submitted the proposal would not result in harm to the public highways and sufficient parking is provided on site.

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

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

## **7. Conclusion**

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



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**Location**                    **51 Finchley Lane London NW4 1BY**

**Reference:**                **16/1285/FUL**

Received: 29th February 2016

Accepted: 29th February 2016

Ward:                        Hendon

Expiry 25th April 2016

Applicant:                 Mr K Drury

Proposal:                  New single storey dwelling with basement level and 1no off street parking space

**AGENDA ITEM 7**

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Environmental Noise Assessment Report ref 6201/pja; PL-402A; PL-403A; PL-404A; PL-405A; PL-406A; PL-407A; PL-408A; PL-409A; PL-410A; PL-601.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

5 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 Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No. PL-403A; 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 2011.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the land rear of 51 Finchley Lane hereby approved.

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

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

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).

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

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

- 10 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.

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

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

- 12 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).

**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 any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2730.00 payment under Mayoral CIL.



The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £10530.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

## **Officer's Assessment**

### **1. Site Description**

The application site is an irregular piece of land sited to the rear of 51 Finchley Lane, fronting onto Tenterden Grove. The application site is fenced off from 51 Finchley Lane, is overgrown and benefits from a crossover onto Tenterden Grove.

The site does not fall within a designated conservation area.

### **2. Site History**

Reference: 15/02221/FUL

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved subject to conditions

Decision Date: 29 July 2015

Description: Erection of new single storey dwelling

Reference: H/06008/13

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Refused

Decision Date: 14 February 2014

Description: Erection of a single storey detached dwelling with rooms in roomspace at the rear of 51 Finchley Lane with access from Tenderden Grove. Associate provision of 1no. off-street parking space.

Reference: W13544F/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 25 September 2007

Description: Submission of details pursuant to Condition 6 (Materials) and 14 (Landscaping) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544D/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved subject to conditions

Decision Date: 8 May 2007

Description: Variation of condition 2 (Parking) of Planning Permission W13544B/05 dated 09-12-2005 to reduce the number of car parking spaces from 7 to 5 spaces, to provide a total of No. 1 car parking space per dwelling.

Reference: W13544E/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 27 September 2007

Description: Submission of details pursuant to Condition 13 (Contaminated Land) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544C/06

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 7 June 2007

Description: Submission of details pursuant to Conditions 5 (Levels), 10 (Refuse), 11 (Ventilation & extraction equipment) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544B/05

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved following legal agreement

Decision Date: 12 October 2005

Description: Demolition of the existing building and construction of a two storey building with associated habitable accommodation within the roofspace to provide a total of 5no. self-contained flats. Provision of 5no. off street parking spaces accessed off Finchley Lane, and 2no. spaces to the rear accessed off Tenterden Grove (7 in Total).

Reference: W13544A/04

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Refused

Decision Date: 11 June 2004

Description: Demolition of existing building and erection of three-storey building to provide a total of 6no. self-contained flats and provision of off-street parking accessed from Finchley Lane.

Reference: H/00852/09

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 22 May 2009

Description: Submission of details of Conditions 3 (Bicycle Parking), 8 (Means of Enclosure), 9 (Details of Proposed Screen Walls/Fences) and amendment to approved details of condition 10 (Refuse) pursuant to planning permission reference W13544B/05 dated 12/10/2005.

Reference: W13544/03

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Withdrawn

Decision Date: 24 February 2004

Description: Demolition of existing building and erection of three storey block (plus rooms in roofspace) to provide a total of 7no. self contained flats with provision of 6 car parking spaces accessed from Finchley Lane. Erection of two storey detached house rear of site fronting Tenterden Grove, with provision of 2 car parking spaces.

Reference: H/01416/09

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 3 July 2009

Description: Submission of details of condition 14 (landscaping) pursuant to planning permission W13544B/05 dated 12/10/05.

### **3. Proposal**

The application seeks consent for the erection of a 1no bedroom two storey detached dwelling at the rear of 51 Finchley Lane with access from Tenterden Grove and the associated provision of 1no off-street car parking space; it would be spread across the basement level and ground floor level

### **4. Public Consultation**

Consultation letters were sent to 77 neighbouring properties.

6 responses have been received, comprising 6 letters of objection

The objections received can be summarised as follows:

- lack of geological information in the application, should be provided given that a basement is proposed
- proposed lightwells are ineffective and covered with grills
- planning permission has already been granted for a single storey dwelling, a basement is unnecessary
- principle of basement in this area is uncharacteristic
- lack of amenity space for two bedrooms
- loss of light
- loss of privacy
- overdevelopment

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

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

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

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

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9

- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

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

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

\* Development proposals will ensure that

development is not contributing to poor air quality and provide air quality assessments where appropriate.

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

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

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

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

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

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

Residential development may be acceptable:

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

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

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of new dwelling
- 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
- Highways
- Sustainability issues

### **5.3 Assessment of proposals**

#### Principle of new dwelling

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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

Policy DM01 states that proposed development should have an understanding of local characteristics and 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'. This policy also explains that 'Development proposals should be designed to allow for

adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

It is advocated in Council's Residential Design Guidance SPD that the pattern of development refers to the arrangement of plots, buildings and spaces around the building which, repeated over an area, forms part of that areas character and identity. The pattern of development plays a vital role in defining the character of the street, influencing the perception of spaciousness and landscape capacity establishing daylight, outlook and privacy relationships between dwellings and influencing the perception of safety on the street and the accommodation of parking, storage and service requirements.

A previous application (ref: H/06008/13) for "Erection of a single storey detached dwelling with rooms in roofspace at the rear of 51 Finchley Lane with access from tenterden Grove. Associated provision of 1no. off street parking space." was refused on 14th February 2014 for the following reason:

"The proposal, by reason of its design, bulk, scale and siting would be an incongruous addition and over development of a restricted site, harming the character and appearance of the streetscene and local visual amenity, contrary to..."

This was appealed against by the applicant (appeal decision ref: APP/N5090/A/14/2220519 dated 9 Sept 2014). The inspector disagreed with the Council's view that the proposal would have a harmful impact on the character and appearance of the area. The Inspector stated that a new dwelling on the site would not look out of character given the existing dwellings at no 47 and 47a Finchley Lane and as the proposed building would be largely screened from wider views by protected trees. Furthermore, the Inspector concluded that a proposed building on the site would not look cramped given the existing dwellings at 47 and 47a on similarly modest plots.

The appeal was dismissed on the basis of the impact the proposal would have on the living conditions of neighbouring occupiers, in particular the relationship of the proposal between 51 and 53 Finchley Lane. The applicant had addressed this at the time by setting the building further away from neighbouring properties and altering the roof design so appear more discreet.

Appeal decision is considered to be a material planning consideration and as such the principle of providing a new residential unit is acceptable.

Further to that, a subsequent application was submitted (ref: 15/02221/FUL dated 29 July 2015) for 'Erection of new single storey dwelling' which was approved subject to conditions. The physical manifestations of the current proposal are similar to the previously approved scheme and the only variation is the introduction of a basement level with the associated lightwells and the scheme has been amended to remove 1no bedroom.

#### Living conditions of neighbouring and future occupiers

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve

adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

Policy DM02 states that 'Where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents'.

The proposed building is set approximately 11.7m away from the boundary with no 51 as opposed to the previously refused 10.5m. Normally for 2 storey buildings council's policy advocates that a distance of 21m should be maintained. However, given the proposed building is of a single storey height externally this distance is considered to be acceptable in this instance. There are no other habitable windows proposed on the rear elevation facing directly onto no 51 and this addresses the concerns in regards to overlooking and loss of privacy issues. This remains the same as the previously approved application

The proposals would provide approximately 50m<sup>2</sup> of amenity space. Whilst there was some initial concern that the amenity space is of limited depth, given the relatively small size of the unit, the proximity to town centre and the fact that a similar arrangement was considered acceptable by the previous appeal inspector and approved under the previous application, it is not considered that this would provide a harmfully poor level of amenity for future occupiers.

The application was amended from the original submission to reconfigure the internal layout; the original scheme proposed a two bedroom unit with both bedrooms within the basement. This was considered to be unacceptable as it not only fell short of the Gross Internal Area as required in the Mayors London Plan, it also failed to provide adequate light and outlook into the bedrooms within the basement. Following negotiations, the proposal was amended to provide a 1 bedroom unit and to remove all habitable rooms from the basement and relocate the bedroom and living room to the ground floor level where they would be serviced by windows. The kitchen/diner and bathroom would be located in the basement level; the kitchen area would be serviced by adequately sized lightwells in two areas.

A condition has been attached to the decision requesting the submission of a hard and soft landscaping scheme in relation to the development; this is to ensure a satisfactory appearance to the development and protection of the amenities of neighbouring occupiers in line with the Councils policies.

#### Other material planning considerations

There are no objections in regards to parking as the proposal includes the provision of 1no off-street car parking space to the front of the site.

The refuse store is located within 10m of the highway as per Council Guidance.

A condition has been attached to the decision requesting additional information in regards to the appearance of the refuse enclosure and stating that the proposed car parking space must be provided prior to the first occupation of the unit.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The



applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy

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

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

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

Largely addressed in report above.

A lack of geological information is not a reason for refusal in this instance as the application site does not fall within an area where there are substantial flood or known stability issues.

The majority of objections were received when the LPA consulted on the original plans and therefore the objections represent views on the original plans and not the amended scheme; the amended proposal is considered to overcome a number of the objections.

The safety and structural integrity of the basement and building itself will be addressed under the Building Regulations.

Lightwells would be adequate for purposes of providing light and are of acceptable design.

It is not for the LPA to decide whether a basement is necessary, the LPA can only assess the proposal before them.

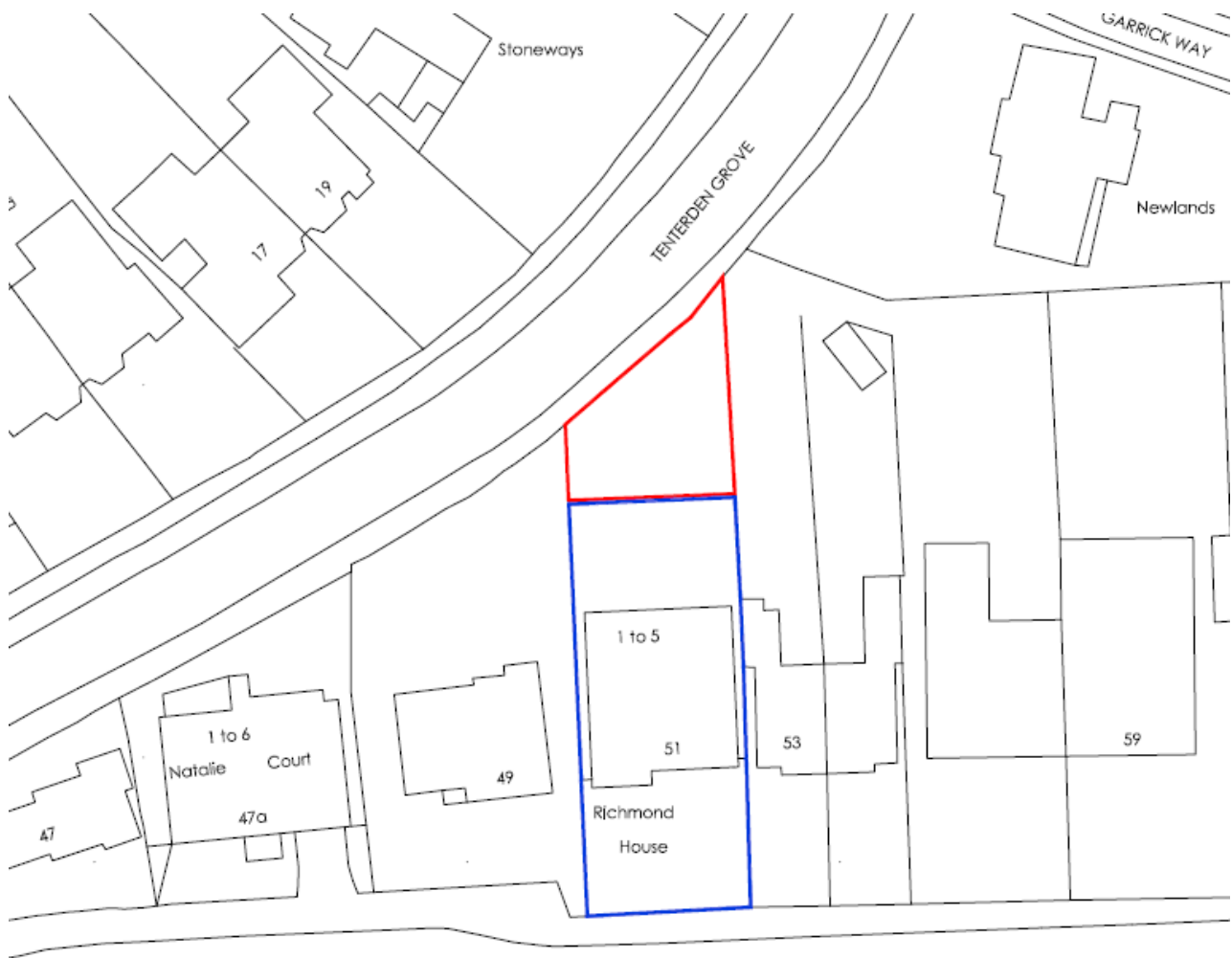
#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

The proposals would provide a new dwelling unit to meet demand within the borough, making more efficient use of existing land. It would not cause material harm to neighbouring amenity or the character of the area.

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



**Location**                    **25 Holmfield Avenue London NW4 2LP**

**Reference:**                **16/2867/FUL**

Received: 29th April 2016

Accepted: 11th May 2016

Ward:                        Hendon

Expiry 6th July 2016

Applicant:                Ms Brenda Feig

Proposal:                 Single storey rear extension. New front porch

**AGENDA ITEM 8**

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: H002.EXT-PP-00.R1; H002.EXT-PP-01.R1; H002.EXT-PP-02.R1; H002.EXT-PP-03.R1; H002.EXT-PP-04.R1

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

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

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

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

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

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

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

- 5     The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the ground floor flat 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 host property is a semi-detached dwelling that has been converted into 2no. flats, it's located on the north side of Holmfield Avenue.

The property is not listed or situated within a conservation area.

#### **2. Site History**

Reference: W09242A/07

Address: 25 Holmfield Avenue, London, NW4 2LP

Decision: Lawful

Decision Date: 7 April 2008

Description: Continue use of property as 2 No. self-contained flats.

#### **3. Proposal**

The applicant seeks permission for a single storey rear extension and a front porch.

The rear extension would have a depth of 4 metres and occupy the full width of the existing building. It would have a flat roof with a height of 2.95 metres.

The proposed front porch would have a depth of 1.1 metres and width of 2.2 metres. it would have a pitched roof with a maximum height of 3 metres and 2.45 metres to the eaves.

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

Consultation letters were sent to 6 neighbouring properties.

20 responses have been received, comprising 20 letters of objection.

No. of speakers: 11

The objections received can be summarised as follows:

- conversion of the property into flats.
- issues with the proposed outbuilding.

- parking issues.
- use of property/possible rent as separate units
- no refuse details.
- Noise pollution from additional people.
- cumulative effect.
- impact on the visual amenities.
- insufficient amenity space.
- overdevelopment.

## 5. Planning Considerations

### 5.1 Policy Context

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

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

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

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

#### The Mayor's London Plan 2016

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

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

#### Barnet's Local Plan (2012)

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

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

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

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted April 2013)

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

#### Sustainable Design and Construction SPD (adopted April 2013)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether 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**

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

Within Barnet's Residential Design Guidance it sets out that rear extensions should 'not look too bulky and prominent compared to the size of the main building and garden to which they relate'. It is considered that the proposed rear extension would not appear as an overly bulky and prominent addition compared to the host dwelling and the garden.

The proposed porch would be similar to other existing front porches in Holmfield Avenue. This element is not considered to detract from the character of the street scene and due to its size the porch does not appear overly prominent or intrusive.

The design and form is considered to complement that of the host dwelling. It is therefore considered that the proposed single storey rear extension and porch will have an acceptable impact on the character and appearance of the host dwelling.

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

Barnet's Residential Design Guide states that ground floor rear extensions to semi-detached properties would normally be acceptable at 3.5 metres in depth. The proposal has been amended during the life of the application so to ensure that the development would not materially harm the amenities of the neighbouring properties. Its depth has been reduced by two metres and would have a depth of 4 metres. It is also noted that no. 27 Holmfield Avenue has recently benefitted of a larger extension of 6 metres in depth and as a result the extension would not have any impact to this neighbouring property.

Although the neighbouring property at no. 23 has not benefitted of a rear extension, the reduction in depth to 4 metres and the distance to the shared boundary with this property of approximately 1 metre and 2 metres to the flank wall of this property; the proposed extension is considered to have an acceptable impact on the amenity of this neighbouring residents.

The proposed porch extension, given its relationship with the neighbouring buildings would not appear overbearing or visually intrusive when viewed from the neighbouring buildings and would comply with Barnet's Residential Design Guide.

Although the extension of the ground floor flat will create 1no. additional bedroom to the existing ground floor flat. The Highways Officer has confirmed that the current off-street parking situation of Holmfield Avenue can accommodate an additional car and this is not a reason to warrant refusal.

Concerns had been raised regarding the possible creation of additional self-contained units. It is noted that the applicant has not applied for the change of use or the creation of new residential units and as such this cannot be assessed under this application. This would require a separate planning permission.

Given the proportions and the relationship between the proposal and the neighbouring properties, it is not considered that this scheme would be detrimental to the amenities of the occupants of any neighbouring property, in terms of loss of light, overshadowing or overbearing.

It is noted that the property has previously been converted to two flats and that this use has been confirmed as lawful and immune from enforcement action. The Local Planning Authority therefore cannot take any further action against this. The extensions would add an additional bedroom to the ground floor unit and it is not considered that this would intensify the use to a harmful degree, nor would it harm local character.

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

- conversion of the property into flats - conversion of the property into 2no. flats was decided as lawful under a lawful development certificate, which demonstrated the continued use as two separate units for a period of over 4 years.
- issues with the proposed outbuilding - this application does not seek permission for an outbuilding.
- parking issues - covered in the main report.
- use of property/possible rent as separate units - the applicant has not applied for the change of use or the creation of new residential units. This would require a separate planning permission.

- no refuse details - not required for this type of proposal/application
- Noise pollution from additional people - is not a material planning consideration
- cumulative effect - the proposed extensions under this application and the proposed outbuilding under reference 16/2481/FUL are considered to have an acceptable impact on the character of the area and impact on the amenities of the neighbouring resident.
- impact on the visual amenities - covered in the main report.
- insufficient amenity space - the remaining garden space is considered to be sufficient for a two bedroom flat. The applicant has confirmed the ground floor has exclusive use to the amenity space.
- overdevelopment - the proposed development is considered appropriate for the type and size of property/plot and is not considered overdevelopment.

## **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**                    **25 Holmfield Avenue London NW4 2LP**

**Reference:**                **16/2481/FUL**

Received: 15th April 2016

Accepted: 21st April 2016

Ward:                        Hendon

Expiry 16th June 2016

Applicant:                 Miss BRENDA FEIG

Proposal:                  Single storey rear outbuilding

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: H002-OUT-PP-00; H002-OUT-PP-01; H002-OUT-PP-02; H002-OUT-PP-03; H002-OUT-PP-04

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

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

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

- 3     The materials to be used in the external surfaces of the building(s) shall be as those mentioned within drawing nos:

H002-OUT-PP-03

H002-OUT-PP-04

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 ancillary to and occupied in conjunction with the ground floor flat 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 host property is a semi-detached dwelling that has been converted into 2no. flats, it's located on the north side of Holmfield Avenue.

The property is not listed or situated within a conservation area.

### **2. Site History**

Reference: W09242A/07

Address: 25 Holmfield Avenue, London, NW4 2LP

Decision: Lawful

Decision Date: 7 April 2008

Description: Continue use of property as 2 No. self-contained flats.

### **3. Proposal**

The applicant seeks permission for a single storey outbuilding.

The proposed outbuilding would measure 6.1 metres wide and 4.9 metres deep. It would have a flat roof with a height of 2.5 metres.

### **4. Public Consultation**

Consultation letters were sent to 6 neighbouring properties.

16 responses have been received, comprising 16 letters of objection.

No. of speakers: 10

The objections received can be summarised as follows:

- conversion of the property into flats.
- parking issues.
- scale
- overlooking/loss of privacy
- removal of existing trees
- sewage issues
- sets a precedent
- overdevelopment
- use of property/possible rent as separate units
- no refuse details.
- Noise pollution from additional people.

- cumulative effect.
- impact on the visual amenities.
- insufficient amenity space.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

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

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

#### Barnet's Local Plan (2012)

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

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

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

## Supplementary Planning Documents

### Residential Design Guidance SPD (adopted April 2013)

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

### Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether 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**

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

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

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

The Residential Design Guidance SPD 2013 states the following points with regards to outbuildings:

- they should not unduly over-shadow neighbouring properties

- they should not be too large or significantly reduce the size of a garden to become
- out of character with the area
- they should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas
- o their design and materials should be in harmony with the surrounding area.

The proposed outbuilding to the rear of the garden space is considered to be a subordinate addition to the existing site and has an acceptable impact on the neighbouring amenities to the side and rear boundaries. A gap of 0.5m would exist between the proposed outbuilding and the side and rear boundaries with the neighbouring properties and therefore by reason of the size, siting and design the outbuilding would have no adverse impact on the neighbouring amenities.

It should be noted that a condition would be added into the approval to ensure that the outbuilding is used ancillary to the existing building in order to ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

The outbuilding is considered to be relatively modest in height and it will be sited away from the boundaries of the site; it is therefore not considered to be detrimental to the amenities of adjoining occupiers, in terms of overlooking, loss of privacy or loss of light.

The remaining amenity spaces at approximately 98 square metres is considered to be acceptable and sufficient and acceptable for the type and size of property.

Concerns had been raised regarding the possible use of the outbuilding as a self-contained unit. It is noted that the applicant has not applied for the change of use or the creation of new residential units and as such this cannot be assessed under this application. This would require a separate planning permission. A condition has also been added to be used ancillary to the ground floor flat.

The outbuilding is considered acceptable by reason of the size, siting and design and does not detract from the character of the immediate vicinity. It has no adverse effect on neighbouring amenities, the proposal site, current streetscene and character of the area. The application is recommended for Approval, subject to conditions.

It is noted that the site property is in use as two flats. This use of the property is lawful and immune from enforcement action, and a certificate of lawfulness has been issued confirming this. There is therefore no further action that can be taken regarding this. Furthermore the proposed outbuilding would not intensify the use of the flat to a harmful degree, would not cause harmful noise or disturbance or harm local character given the relatively small amount and nature of accommodation.

A further planning application has been submitted for extensions under reference 16/02867/FUL. The Local Planning Authority is satisfied that, the proposals for the outbuilding would also be acceptable were permission for the extensions to be approved.

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

- conversion of the property into flats - *conversion of the property into 2no. flats was decided as lawful under a lawful development certificate, which demonstrated the continued use as two separate units for a period of over 4 years.*
- scale - *addressed in the main report.*

- overlooking/loss of privacy - *covered in the main report.*
- removal of existing trees - *it is noted that the closest TPO is approximately 7.5 metres from the rear boundary of the property and 8 metres from the proposed development and as such is not considered to have a detrimental impact on this or any other protected trees. The removal on non-protected trees does not require any sort of planning consent.*
- parking issues - *covered in the main report.*
- sewage issues - *is not a material planning consideration; dealt with under building regulations.*
- sets a precedent - *it is noted that several properties in the area have benefitted of similar outbuildings. The proposed outbuilding is not considered to set a precedent.*
- overdevelopment - *the proposed development is considered appropriate for the type and size of property/plot and is not considered overdevelopment.*
- use of property/possible rent as separate units - *covered in the main report.*
- no refuse details - *not required for this type of proposal/application. The proposed outbuilding it's not considered to potentially generate significant extra refuse.*
- Noise pollution from additional people - *the proposed outbuilding is not considered to impact on the number of people and its associated impact.*
- cumulative effect - *the proposed outbuilding under this application and the proposed extension under reference 16/2867/FUL are considered to have an acceptable impact on the character of the area and impact on the amenities of the neighbouring resident.*
- impact on the visual amenities - *covered in the main report.*
- insufficient amenity space - *the remaining garden space is considered to be sufficient for a two bedroom flat. The first floor flat has no access to the garden. This would still be acceptable were permission for the extensions under the accompanying application be approved.*

## **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**                               **5-7 Parson Street Hendon London NW4 1QD**

**Reference:**                           **16/0806/FUL**

Received: 8th February 2016

Accepted: 15th February 2016

Ward:                                   Hendon

Expiry 11th April 2016

Applicant:                           Mr

Proposal:                           Demolition of existing building and erection of 3 storey building with rooms in roofspace containing 9 no. self-contained flats and retail unit to ground floor, 3 no. off-street parking spaces, cycle storage and amenity space

**AGENDA ITEM 10**

**Recommendation:** Approve subject to s106

**RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Amendment to traffic order to prevent residents of the development from obtaining parking permits - £2,000
4. Contribution towards improvements at Sunny Hill Park - £9,000
5. Monitoring of the Agreement - £550

**RECOMMENDATION II:**

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, PS16-PP103, PS16-PP104, PS16-PP201, PS16-PP202, Design and Access Statement.Planning Statement.

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

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

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

3 a) No development 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, staircase and screening for the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

5 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

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

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

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

7 a) 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).

8 Before the building hereby permitted is first occupied the proposed window(s) in the west rear elevation window serving the kitchens of flat 3 and flat 6 facing 5 Florence Street shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

9 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. PS16-PP201 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.

10 a) Before the development hereby permitted is first occupied or the use first commences, parking spaces, cycle parking and turning spaces as shown on Drawing PS16-PP201 shall be provided and marked out within the site.

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

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

11 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).

12 The ground floor of the premises shall be used for retail use and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

13 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

14 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.

15 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.

16 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.

17 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.

18 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.

19 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.

20 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 7 am or after 8 p.m. on any other day.

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

### RECOMMENDATION III:

#### 0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 15/08/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

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

The proposals by reason of the poor quality of amenity space would provide an unacceptably poor level of amenity for future residents. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies and Supplementary Planning Document on Residential Design Guidance.

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

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



to ensure that the proposed development is in accordance with the Development Plan.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £25,522.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £98,442.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the

final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

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

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

## **Officer's Assessment**

### **1. Site Description**

The site property is a ground floor commercial unit on Brent Street with residential unit above. The site is located within Brent Street town centre. The site is located adjacent to

The existing building on site is two storeys with dual pitched roof. The rear of the site has single storey commercial extensions.

To the south of the site is no.1 Parson Street, a two storey building with commercial use at ground floor level. Further to the south is Ferrydale Lodge, a four storey care home building on the corner of Parson Street and Church Road.

To the north of the site is 9 Parson Street, a three storey building with gable ended roof, and the building adjacent to this has a partial basement level as well as dormers in the roof.

Florence Street is residential in character, consisting of two storey terraced dwellings of modest scale.

The site is within the designated secondary retail frontage in Brent Street Town Centre.

### **2. Site History**

Site Address: 5 Parson Street, London, NW4 1QD

Application Number: H/01855/13

Application Type: Full Application

Decision: Refuse

Decision Date: 11/07/2013

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Change of use from Plumbing Shop to Dry Cleaners and Retail.

Case Officer: Graham Robinson

15/05955/FUL - Partial demolition of existing building with retention of 43.5sqm of Class A1 floorspace and construction of 4 storey building containing 9 no. self contained flats with associated off-street parking refuse/recycling stores, cycle storage and amenity space - Refused - 02/12/2015

### **3. Proposal**

The proposals are for the demolition of existing building and erection of 3 storey building with rooms in roofspace containing 9 no. self-contained flats and retail unit to ground floor, 3 no. off-street parking spaces, cycle storage and amenity space.

Whilst the design and access statement does state that the proposals are for the part-demolition of the building, the description of development has been agreed with the applicant.

### **4. Public Consultation**

Consultation letters were sent to 144 neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

*/i Traffic, access and parking*

The proposal only has 3 off-street parking spaces for a development of 9 flats (6 of which are two-bedroom premises) plus a commercial premises. This is significantly less than half the number of off-street places that Barnet's own Residential Parking Standard seems to indicate should be provided. Parson Street and Florence Street are on the edge of the CPZ and have seen the spaces available to residents eroded by the redesignation of 6 or 7 local spaces as business parking only. They are also impacted by Saracen Event Day restrictions.

Plan does not contain anything like sufficient parking provision (3 spaces for 9 flats in an already crowded street).

They propose 9 flats but only 3 parking spaces in an area where parking is very limited.

*Impact on amenities*

The new property is substantially taller than the existing one and will drastically reduce the light into my property.

Noise and disturbance

Loss of privacy

Loss of light

Loss of outlook and visual impact.

*Scale and Appearance*

Florence Street is one of the very few streets in Hendon of historic look and character; the proposal does not respect that.

Seaford Cottage is a rare historic building within Hendon, and yet the proposal involves its demolition.

The proposal is overly tall and not in proportion with the remainder of the street. It will crowd the street scene and loom over the other buildings.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

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

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

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

- seeking to ensure a mix of housing products in the affordable and market sectors to provide

choice for all households and enable Barnet residents to progress on a housing journey that

can meet the aspirations of home ownership.

- seeking a range of dwelling sizes and types of housing including family and lifetime homes

that meets our identified housing priorities and does not undermine suburban character or local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.

- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.
- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

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

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

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

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

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

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

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM17

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

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

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

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

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

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

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

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

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

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

Policy DM11 The council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

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

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

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

Residential development may be acceptable:

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of development is acceptable
- 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.
- Sustainability/Environmental Issues
- Whether the proposals would have an acceptable impact on highway safety

### 5.3 Assessment of proposals

This planning application follows the refusal under delegated powers of a previous scheme for the following reasons:

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

2) *The proposed development by reason of its height, bulk, design, and massing, would appear unduly obtrusive and be detrimental to the character and appearance of the area. The proposals would be contrary to policy CS5 of the Adopted Barnet Core Strategy 2012 and policy DM01 of the Adopted Barnet Development Management Policies 2012 and policies 7.4 and 7.6 of the Mayor's London Plan (Further Alterations 2015).*

3) *The proposed development by reason of its excessive depth and close proximity to the boundary of no. 1A Parson Street would have a detrimental impact on the residential amenities enjoyed by the occupiers of that property in terms of loss of outlook contrary to Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Policies CS1 and CS5 of the Council's Core Strategy (2012), as well as the Residential Design Guidance (2013).*

4) *The proposals by reason of the poor quality of amenity space would provide an unacceptably poor level of amenity for future residents. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies and Supplementary Planning Document on Residential Design Guidance.*

It has subsequently been brought to light that the windows serving 1A Parson Street do not serve habitable rooms.

#### Whether the principle of development is acceptable

##### *Land Use*

The revised proposals would retain a commercial use at ground floor level. It is suggested that a retail unit would be appropriate in this location to ensure that the proposals maintain the vitality and viability of this part of Brent Street Town Centre.

However, it is noted that the proposals result in the loss of some 80 square metres of retail floorspace within a town centre. Given that the unit is only some 43 square metres. On balance, it is not considered that this would significantly harm the viability or vitality of the town centre.

##### *Density*

The site (0.05 hectares) is located in a urban area and is located in an area of PTAL rating 2. The density matrix in the London Plan advises that development should be at 45-170 units/hectare. The proposals appear to be at a density of 180 units/hectare which is marginally greater than suggested by the matrix. Similarly the development at 520 habitable rooms per hectare exceeds that specified (450 hr/hectare). However this needs to be read in the context of Policy 3.4 of the Mayor's London Plan which states that development should optimise housing output. Furthermore, the London Plan advises that it



Is not appropriate to apply the density matrix mechanistically. Taking this into account it is considered that the density is acceptable for the site.

### *Unit Mix*

The proposals would consist of 3no. 1 bedroom units and 6no. 2 bedroom units.

### *Demolition of the existing buildings*

The buildings on site are not listed nor are they within a conservation area.

The proposals involve the demolition of the existing buildings on site. The existing buildings include Seaford Cottage which is considered to be of some historic interest given its features such as sash windows, brick creasing, gable detail and location with Brent Street Town Centre and to neighbouring locally listed buildings. However the building has been substantially altered in the form of a large shopfront and the side of the building features a blank rendered wall. These somewhat diminish its value in heritage terms.

Officers are of the view, that the building would be considered to be a non-designated heritage asset.

In this way, the loss of the existing buildings on site therefore needs to be weighed up in any consideration.

### Impact on the amenities of neighbours and future occupiers

#### *The Amenities of neighbouring residents*

#### *Outlook*

It is not considered that there would be a harmful loss of outlook to residents at no.9 Parson Street given that it is separated from the site by Florence Street.

It appears that there is a flat above no.1 Parson Street known as 1A Parson Street. The proposals would appear to extend some 13m beyond the rear windows of this property at first and second floor. The existing building extends some 4m beyond this. However, from a site visit it would appear that the windows at no.1 do not provide outlook to habitable windows and therefore any impact is considered acceptable.

#### *Light*

It appears that there is a flat above no.1 Parson Street known as 1A Parson Street. The proposals would extend a significant distance and height beyond the rear windows of this property. However given that the proposals are located to the north of this property no harmful loss of light or outlook is anticipated.

#### *Privacy*

The proposed building would not feature windows facing rearwards towards no.5 Parson Street, so it is not considered that there would be overlooking to this property.

The proposed scheme features balconies and windows facing no.9 Parson Street.

Given that this is separated from no.9 by Florence Street, it is not considered that there would be any harmful overlooking in this location within Brent Street Town Centre. The majority of windows facing are dual aspect.

### *Noise and Disturbance*

The proposals would result in the introduction of a smaller retail unit and 9 residential units. The proposals feature some balcony and amenity areas and given the distance from residential properties and their windows, as well as the location within the towncentre, it is not considered any impact would be harmful.

Whilst this is a somewhat more intensive use than the existing dwelling, given the location of the site within Brent Street Town Centre this is considered acceptable.

### *The Amenities of future residents*

#### *Outlook*

There would be a distance of approximately 6m between kitchens 3-4 and 6-7. It is noted that this is across an access walkway for these flats. It is noted that the proposed access arrangement obscures this and would prevent overlooking, though in the case of unit 4 and 7 these have no other windows. Given that this is a kitchen it is not considered to be a habitable room on balance this is acceptable. It would also be apparent to future occupiers of the property. The walkway layout has been improved from the previously refused scheme to further reduce any impact. A condition would be needed to obscure glaze the windows.

### *Internal Standards*

The proposed units would be as follows:

Unit 1 – 1 bedroom 2 person 69 m<sup>2</sup>

Unit 2 – 2 bedroom 3 person 73 m<sup>2</sup>

Unit 3 – 2 bedroom 3 person 71 m<sup>2</sup>

Unit 4 - 2 bedroom 3 person 87 m<sup>2</sup>

Unit 5 – 2 bedroom 3 person 73 m<sup>2</sup>

Unit 6 – 2 bedroom 3 person 71 m<sup>2</sup>

Unit 7 - 2 bedroom 3 person 85 m<sup>2</sup>

Unit 8 - 1 bedroom 2 person 59 m<sup>2</sup>

Unit 9 - 1 bedroom 2 person 63 m<sup>2</sup>

All units would meet minimum standards within the Supplementary Planning Document on Sustainable Design and Construction.

### *External Space*

The only amenity spaces proposed are balconies overlooking the street, and an area of amenity space under the access staircase of 78 square metres. It is calculated that an area of approximately 130 square metres would be required in order to comply with the Supplementary Planning Document on Sustainable Design and Construction.

The SPD goes on to state 'Higher density development, such as flats may not always be able to provide amenity space to the standards outlined. Where the standards cannot be met and an innovative design solution is not possible the council will seek a Planning Obligation.'

In this case, some amenity space is provided. The amenity space proposed would not technically meet the requirements of the SPD. The applicant has proposed a contribution

towards improvements to local open space provision which would benefit local residents. It is considered that this would address the shortfall in amenity space.

#### Whether the proposals would have an acceptable impact on highway safety

The proposal is for partial demolition of the existing building and provision of 9 residential units comprising 3x1 bedroom unit and 6x2 bedroom units and a retail unit to ground floor. 3 parking spaces are proposed including existing parking spaces.

For the proposed development a parking provision of between 6 to 12 parking spaces would need to be provided to meet the parking standards as set out in the Barnet Local Plan Development Management Policies approved in September 2012.

One of the factors taken into consideration when assessing parking requirement is the Public Transport Accessibility (PTAL) rating. The PTAL Score for the site is 2 (poor accessibility).

The proposed 3 parking spaces do not meet the parking standards and would result in a shortfall of parking provision by approximately 3-9 parking spaces.

Taking into consideration the following factors:

- \* The site is within a residential location;
- \* The site is located in an area with a Public Transport Accessibility (PTAL) score of 2 which is considered as poor accessibility;
- \* The site is within a town centre location and close to local amenities;
- \* The site is located within a Controlled Parking Zone (CPZ), relatively close to the edge of CPZ.
- \* Florence Street is a narrow street and any injudicious parking would impact on the free flow of traffic and highway safety.
- \* The location of the site provides an easy vehicular access to A406 North Circular Road, A1, A41 and M1 which will inspire the occupants of the proposed development to own a car. Therefore the proposed development without parking provision in accordance with the parking policy is likely to have a detrimental impact on public highway.

The proposed shortfall in parking provision has potential to cause harm to highway and pedestrian safety.

Further to discussions with the case officer and Highways officers the applicant has conducted parking surveys. This comprises two sets of surveys, those during the week and at weekends

The weekday parking beat survey has indicated that Florence Street suffers from 100% parking stress therefore the proposed development with sub standards parking provision is likely to add to the existing parking stress.

The weekday survey indicated that Glebe Crescent suffers from significant parking stress (over 80%). Any additional demand for parking resulting from the proposed development is likely to have detrimental impact on public highway.

Highways officers have reviewed the weekend survey information which provides information on parking stress on Saturday. The parking stress during Saturday in Florence Street and Glebe Crescent is high similar to the weekdays although there are some parking spaces available on roads further away from the site. Therefore, they recommend to approve the proposed scheme with a legal agreement preventing residents of the development from obtaining parking permits.

In this way, it is noted that Florence Street and Glebe Crescent suffer from parking stress. Roads outside the CPZ such as Parson Street and Downage suffer from a somewhat lesser degree of parking stress.

Policy DM17 states that development may be acceptable with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

The proposals are therefore considered acceptable subject to a legal agreement to prevent residents of the development from obtaining parking permits.

#### Accessibility and Sustainability

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

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

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

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

## **5.4 Response to Public Consultation**

### */i* Traffic, access and parking

The proposal only has 3 off-street parking spaces for a development of 9 flats (6 of which are two-bedroom premises) plus a commercial premises. This is significantly less than half the number of off-street places that Barnet's own Residential Parking Standard seems to indicate should be provided. Parson Street and Florence Street are on the edge of the CPZ and have seen the spaces available to residents eroded by the redesignation of 6 or 7 local spaces as business parking only. They are also impacted by Saracen Event Day restrictions.

Plan does not contain anything like sufficient parking provision (3 spaces for 9 flats in an already crowded street).

They propose 9 flats but only 3 parking spaces in an area where parking is very limited.

*These comments are addressed in the report. It is noted that the area suffers from parking stress however it is considered that a legal agreement to prevent residents of the development from obtaining parking permits would address this.*

#### *Impact on amenities*

The new property is substantially taller than the existing one and will drastically reduce the light into my property.

Noise and disturbance

Loss of privacy

Loss of light

Loss of outlook and visual impact.

*The proposals have been assessed with regard to these issues, and it is not considered that the proposals would harm neighbouring amenity*

#### *Scale and Appearance*

Florence Street is one of the very few streets in Hendon of historic look and character; the proposal does not respect that.

Seaford Cottage is a rare historic building within Hendon, and yet the proposal involves its demolition.

The proposal is overly tall and not in proportion with the remainder of the street. It will crowd the street scene and loom over the other buildings.

*These issues are addressed in the main report*

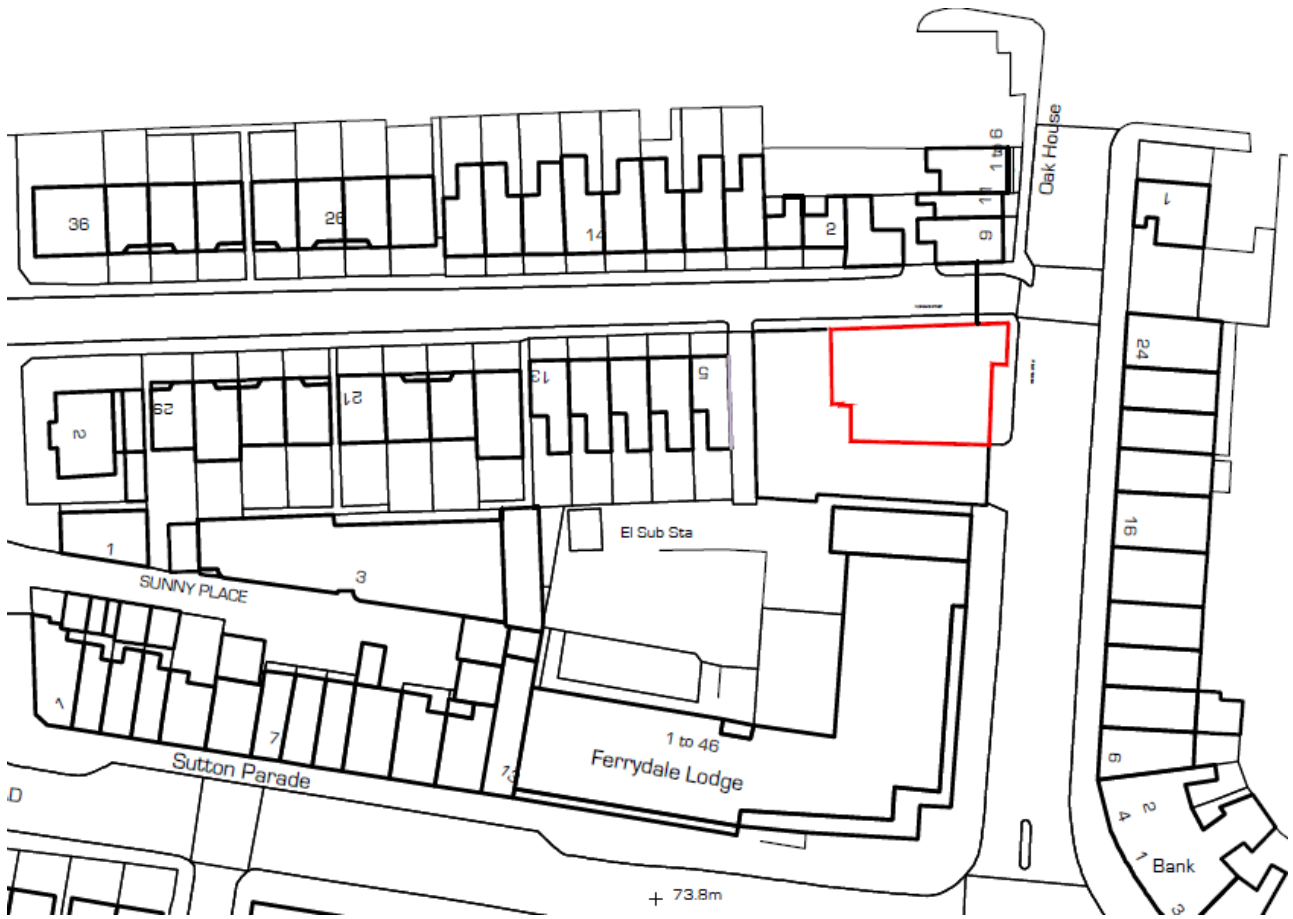
### **6. Equality and Diversity Issues**

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

### **7. Conclusion**

The proposals would involve the creation of new housing units which would make more efficient use of the site, development of a town centre site, and continued provision of retail unit. This needs to be weighed against the loss of a non-designated heritage asset. Paragraph 135 of the NPPF states that *'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* It is considered that whilst the building is of some interest, the existence of the building on site in this case should not preclude the re-development of the site and provision of new housing units. The demolition of the building is considered necessary in order to unlock the development potential of the site.

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



**Location**                           **39 Sydney Grove London NW4 2EJ**

**Reference:**                   **16/2504/HSE**

Received: 15th April 2016

Accepted: 18th April 2016

Ward:                           Hendon

Expiry 13th June 2016

Applicant:                   Dr Gideon Lipman

Proposal:                   Demolition of existing single storey rear extension and erection of part single part two storey rear extension. Rear and side dormer with 1 no. rooflight to side to facilitate loft conversion

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

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

16-0413-04 A, 16-0413-05 A, 16-0413-06 A (received: 26/05/2016)

15-1017-001, 16-0413-01, 16-0413-02, 16-0413-03 (received: 18/04/2016)

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

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

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

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

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

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

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

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

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

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

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

#### **Officer's Assessment**

##### **1. Site Description**

The application site is a detached property situated on the northern side of Sydney Grove, which lies within the Hendon area. Sydney Grove is predominantly characterised by large semi-detached properties comprised of a mix of single dwellings and flats; with large gardens to the rear.

The property is not listed, it does not lie within a conservation area, and there are no specific restrictions on site.

##### **2. Site History**

Reference: 15/07208/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 16 December 2015

Description: Single storey rear extension with a maximum depth of 7 metres from the original rear wall. Eaves height of 2.8 metres and maximum height of 3 metres

Reference: 15/07811/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres measured from the original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/07812/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused



Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres measured from the original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/07813/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.3 metres), with a maximum height of 3 metres.

Reference: 15/07814/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Approved

Decision Date: 22 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.36 metres), with a maximum height of 3 metres.

Reference: 16/1200/192

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Lawful

Decision Date: 15 April 2016

Description: Single storey rear extension. Rear and side dormer to facilitate a loft Conversion

### **3. Proposal**

The applicant seeks planning permission for

- Demolition of existing single storey rear extension and erection of part single part two storey rear extension.
- Rear and side dormer and 1 no rooflight to side to facilitate loft conversion.

The first floor element will have a depth of 3m and set in with 2m from the boundaries with no 37 and 41 Sydney Grove.

### **4. Public Consultation**

Consultation letters were sent to 17 neighbouring properties.

9 letters have been received comprising 9 letters of objections summarised as follows:

- the proposal will form a precedent and will be uncomfortable for the neighbouring properties
- the first floor element detrimental impact, will block the light and view to the neighbouring properties and also invade their privacy
- the proposal will be contrary to the right to light and right to vista
- the scale and mass of the proposed development will impact the neighbouring properties and will have an overbearing effect
- overdevelopment

- contrary to policy
- noise, disturbance and impact on traffic from the building works
- no BRE daylight and sunlight study in order to support the proposal

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2015

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

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

#### Barnet's Local Plan (2012)

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

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

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

#### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted April 2013)

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

#### Sustainable Design and Construction SPD (adopted April 2013)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

The proposals seek to combine the proposals granted a certificate of lawfulness previously (Ground floor rear extension and roof extensions) as well as constructing a first floor rear extension. Parts of the proposed development such as the roof extension and the ground floor extension have previously received a lawful decision under the Certificate of Lawful Development 16/1200/192 as follows:

- The proposed single storey rear extension projects on the full width of the detached property and will have maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.36 metres), with a maximum height of 3 metres.
- Roof extensions comprising side and rear dormer windows.

The proposals comprise part single, part two storey rear extensions and roof extensions.

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

Numerous properties along Sydney Grove have been extended benefitting from their permitted development rights as householders or through a formal planning application. As

such, the character of the area is mixed in terms of alterations to the properties and it is considered that the proposed extensions will not harm the character or the streetscene.

It should be noted that the roof extensions and single storey rear extension could be constructed separately under permitted development.

The proposals as a matter of fact require planning permission as they are to be constructed in their entirety. However the only part of the proposals that does not benefit from some kind of consent is the first floor rear extension.

It is still necessary to consider whether the proposed extensions would be acceptable in terms of their impact on the character and appearance of the area cumulatively. Taking into account that the applicant could construct the ground floor extension and roof extension without planning permission, and then apply for the first floor extension; on balance, It is therefore not considered that the proposals would harm the character and appearance of the general locality or site property.

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

The neighbouring property at no 37 has a 3m deep ground floor extension. The property is situated at a distance of 1m from the application property.

The neighbouring property at no 41 has a 4.13m deep ground floor extension, previously approved under the planning application H/01618/11.

Through negotiation with the applicant the first floor element has been further reduced in width by being set in from the boundary with no 41 Sydney Grove with 2m and 1m from property's side wall towards the no 37 Sydney Grove. Subsequently there will be a gap of approximately 2m between the application property and the one at no 37.

The officers have assessed the impact of the proposed scheme in terms of loss of light and loss of outlook on to the neighbouring properties, and due to the proposal's scale and dimensions it is not considered that it will significantly affect them, as such it is considered acceptable. It is not considered that the extensions would appear overbearing or create harmful sense of enclosure.

Considering the revisions, the scale and massing of the proposed first floor element, will not cause significant impact of the proposal on the neighbouring properties, and therefore is considered acceptable.

Cumulatively, the proposals would comply with the aforementioned policies and guidance and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the street scene, site property, general locality and the residential amenity of neighbouring occupiers.

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

-the proposal will form a precedent and will be uncomfortable for the neighbouring properties: every application is assessed on its own merits

-the first floor element detrimental impact, will block the light and view to the neighbouring properties and also invade their privacy: addressed in the proposal's assessment

-the proposal will be contrary to the right to light and right to vista: The right to a particular view is not a material planning consideration and therefore they cannot form a reason for refusal. Loss of light is addressed in the main report.

- the scale and mass of the proposed development will impact the neighbouring properties and will have an overbearing effect: addressed in the proposal's assessment
- overdevelopment: addressed in the proposal's assessment
- contrary to policy: addressed in the proposal's assessment
- noise, disturbance and impact on traffic from the building works: Disturbance from building works are not a material planning considerations and therefore they cannot form a reason for refusal
- no BRE daylight and sunlight study in order to support the proposal: There is no requirement for householder planning applications to provide daylight and sunlight assessments. A neighbouring resident has provided a letter from a consultant in relation to rights to light. These are a civil legal matter between residents and the Local Planning Authority cannot involve itself in this. Officers have made their own professional judgement and consider that the impact on neighbouring daylight and sunlight is acceptable. The rear garden faces north-west and any loss of light is considered to be limited.

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

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

## **7. Conclusion**

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



**Location** 3 Glebe Crescent Hendon London NW4 1BT

**Reference:** 16/2298/FUL

Received: 8th April 2016

Accepted: 8th April 2016

**Ward:** Hendon

Expiry 3rd June 2016

**Applicant:** Mr & Mrs Jonathan Greenwood

**Proposal:** Conversion of single dwelling house to 2 no. self-contained flats

AGENDA ITEM 12

**Recommendation:** Refuse

**Informative(s):**

- 1 The plans accompanying this application are: Planning Statement dated April 2016; 0460/000; 0460/001; 0460/201 Rev A; 0460/202 Rev A.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

**Officer's Assessment**

**1. Site Description**

The site property is a two storey semi-detached dwellinghouse located on Glebe Crescent; a residential street which lies within the Hendon ward of the South area.

No. 1 Glebe Crescent: granted planning permission for conversion to 2 x flats in 2005 (W/12618/C/05).

No. 3 and 5 Glebe Crescent: both sites have previously been served with enforcement notices to cease use as flats without the benefit of planning permission.

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

**2. Site History**

Reference: 15/00882/192

Address: 3 Glebe Crescent, London, NW4 1BT  
Decision: Lawful  
Decision Date: 15 April 2015  
Description: Replacement of existing rear dormer windows with 2no. Juliette balconies

Reference: 15/00886/HSE  
Address: 3 Glebe Crescent, London, NW4 1BT  
Decision: Approved subject to conditions  
Decision Date: 9 April 2015  
Description: Two storey side extension including extension to roof with 2no. rooflights

Reference: H/05547/14  
Address: 3 Glebe Crescent, London, NW4 1BT  
Decision: Refused  
Decision Date: 3 December 2014  
Description: Two storey side extension, first floor rear extension, alterations to roof involving hip to gable extension and rooflights to front and rear, new front porch and associated refuse store, to facilitate conversion of house into three self-contained flats.  
Reference: H/03774/14

Address: 3 Glebe Crescent, London, NW4 1BT  
Decision: Lawful  
Decision Date: 22 August 2014  
Description: Extension to roof including hip to gable to facilitate a loft conversion. Single storey side extension.

### **3. Proposal**

The application seeks to convert the property into 2no flats as follows:

- flat 1 (1bed unit) located on the ground floor with a GIA of 76m<sup>2</sup>
- flat 2 (3bed unit) located on the first and second floors with a GIA of 110m<sup>2</sup>

### **4. Public Consultation**

Consultation letters were sent to 148 neighbouring properties.  
0 responses 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.

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

## Principle of flats

The application site is located in a residential street characterised by detached and semi-detached single family dwelling houses. Policy DM01 of Barnet's Development Plan Documents states that development proposals should be based on an understanding of local characteristics and conversions of dwellings into flats in roads characterised by houses will not normally be appropriate. Single family homes are the predominant character of the street. The principle of flats in this location would be inappropriate as flats are not a characteristic of the area and introducing flats in this location would fail to understand its local characteristics. Although planning permission has previously been granted for a house to flat conversion at No. 1 Glebe Crescent the majority of properties are single family dwelling houses. It should also be noted that permission for 1 Glebe Crescent predates current policy and such a precedent is therefore given less weight when making a decision.

As is made clear in the National Planning Policy Framework, the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the proposal would breach Policy DM01 to the extent that it would erode the well-established character of this part of Glebe Crescent as an area of family housing. Furthermore, Policy DM08 (ensuring a variety of sizes of new homes to meet housing need) states that development should provide an appropriate mix of dwelling types and sizes in order to provide choice within the borough and that for market housing homes with 4 bedrooms are the highest priority. The proposal would result in the loss of a family home and replacement with smaller flats. The concern is not only with this proposal but the cumulative effect of further subdivisions, which would be difficult for the Council equitably to resist if we set aside the Council's policy without good reason. The proposal is therefore considered to be contrary to policy DM01 and therefore unacceptable.

The applicant has raised examples of other conversions on the road, however further investigations into the properties in question has found that they have been the subject of enforcement action where either a notice has been served or no further action taken in the cases of sites being used as flats for a continuous period of 4 years.

Those properties which are being used as flats or HMOs without the benefit of planning permission cannot be taken into consideration given that they have not been assessed against planning policies.

The development plan includes Barnet's Local Plan which comprises a suite of documents including the Council's Core Strategy and its Development Management Policies Development Plan Documents (DPD), which were both adopted in 2012. The most relevant policy within the DPD is DM01 ('Protecting Barnet's character and amenity'). Criterion (h) of the policy states: "Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate". Criterion (i) of policy DM01 is also of relevance, insofar as it states: "Loss of houses in roads characterised by houses will not normally be appropriate".

The development would result in the loss of a house within an area characterised by a large majority of single family dwellings; the development is considered to be at variance with the established character of the area and contrary to policy DM01.

Even though there may be the odd property that is not a single family dwelling, there is no doubt that it is a 'road characterised by houses' for the purposes of criteria (h) and (i) of

policy DM01. The building forms part of a street frontage where the majority of houses appear to be single family dwellings.

#### Living conditions of future occupiers

Both flats meet and exceed the required Gross Internal Area as required by Policy 3.5 (table 3.3) of the Mayors London Plan. Amenity space has been shown to be provided in accordance with Table 2.2 of the Barnet Sustainable Design and Construction SPD.

Policy DM01 (Barnet's Local Plan, 2012) states that 'development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.' Bedroom 2 of Flat 1 (located on the ground floor) is served by a small obscure glazed window and bedroom 2 of Flat 2 (located within the loft) is serviced by 1no rooflight; bearing the LPA's policies in mind, it is considered that Bedroom 2 of both flats are considered to have a severely limit outlook to the detriment of any future occupier and is considered a reason for refusal.

#### Parking

No provision of parking has been made for the proposed flats however there is a crossover and a hardstanding at the front of the site which could accommodate 1-2no cars. In the event of an approval, such details could be conditioned.

#### Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

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

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

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

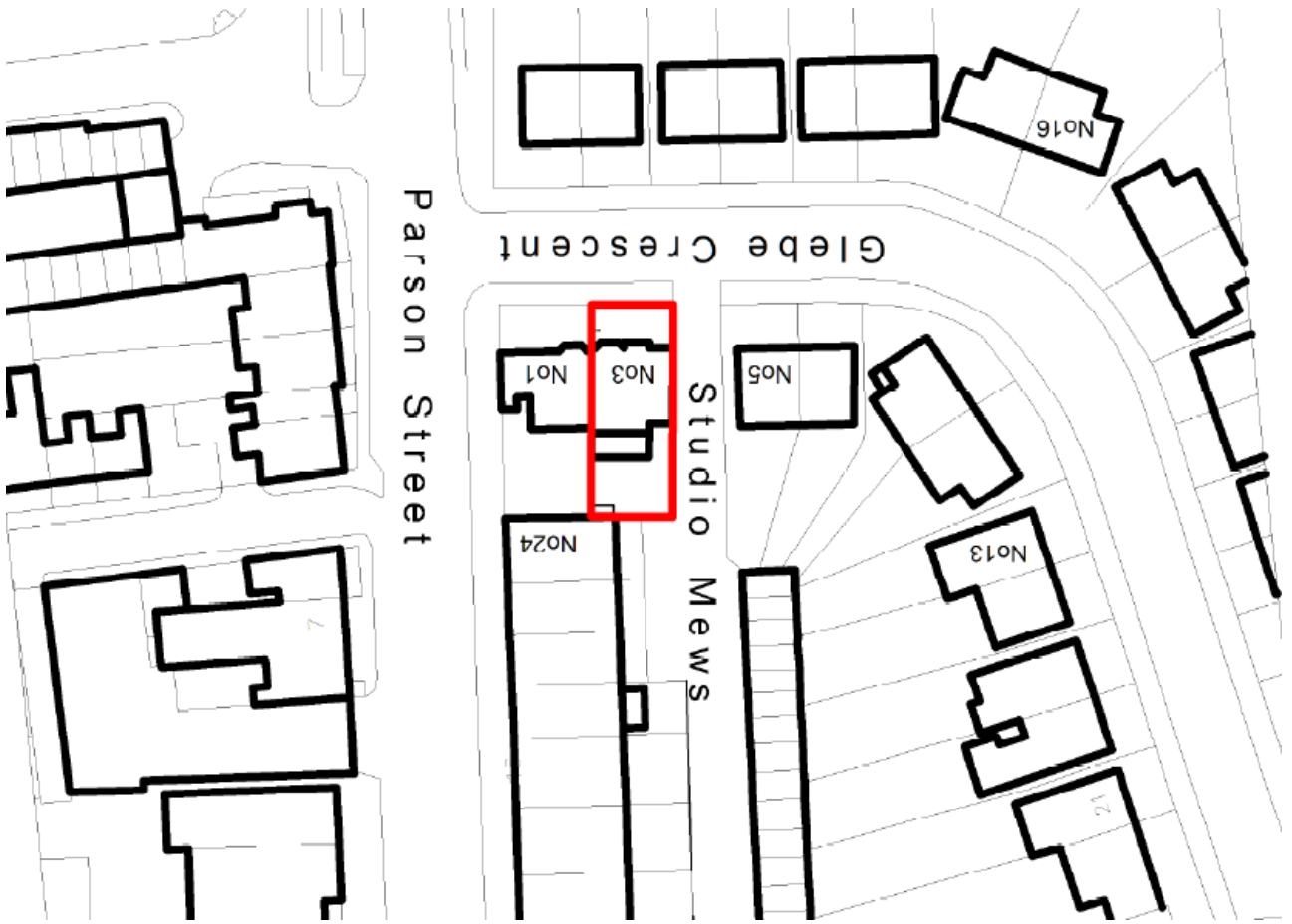
N/A

## **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**

For the reasons highlighted above, the proposal is not considered to accord with the requirements of the Development Plan and is therefore recommended for REFUSAL.



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**Location**                      **60 Uphill Road London NW7 4PU**

**Reference:**                      **16/1333/S73**

Received: 1st March 2016

Accepted: 1st March 2016

**AGENDA ITEM 13**

Ward:                                Mill Hill

Expiry 26th April 2016

Applicant:                        Mr Steven Novack

Proposal:                        Variation of condition 14 (Vehicular Sight Line) pursuant to planning permission 15/04704/FUL dated 28/07/15 for `Demolition of existing dwelling and erection of 2 no three storey dwellings

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 421514-8, 9, 10, 11, 12, and proposed details consisting of Highways and Transport Report (Received 01-March-2016) and No. 782-001 (Received 02-June-2016).

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

- 2     This development must be begun within three years from the date of the original grant of planning permission (18/09/2015).

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 2011.

- 4     a) The development shall take place as per the 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 in accordance with the approved details as part of application 15/07587/CON dated 25/01/2016.

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 2011.

- 5 a) Site works shall take place on site in relation to the 'Demolition & Construction Method Statement' in accordance with the approved details as part of application 15/07587/CON dated 25/01/2016.

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 6 The proposed Hard and Soft landscaping shall be carried in association with the approved details as part of application 16/0113/CON - 17/02/2016 as follows:

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 2011.

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

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011).

- 8 The proposed Tree Protection shall be carried in association with the approved details as part of application 15/06612/CON 05/11/2015 as follows:

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

- 9 Before the buildings hereby permitted are first occupied the proposed window(s) in the flank elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

10 The proposed means of enclosure should be constructed in accordance with the approved details as part of application 15/07587/CON dated 25/01/2016 and as follows:

a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, and means of subdividing the site, 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).

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

Reason:

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

12 Before the buildings hereby permitted are first occupied the proposed window(s) in the flank elevation 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).

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

Reason:

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

- 14 No unit shall be occupied or brought into use until sight lines have been provided in full accordance with the details as per drawing number 782-001. The development shall be permanently maintained in accordance with the approved details thereafter.

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

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

#### **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 on Uphill Road, opposite the junction with Green Avenue. The site does not fall within a conservation area nor is the original building statutorily listed.

The subject site is surrounded by a mixture of two storey buildings that comprise houses and flats. The character of the street is not outstanding in itself containing a varied architectural vernacular. The proposal site benefits from planning permission for 'Demolition of existing dwelling and erection of 2 no. three storey dwellings' under reference 15/04704/FUL dated 22 September 2015.

## 2. Site History

Reference: 15/00023/FUL

Address: 60 Uphill Road, London, NW7 4PU

Decision: Refused

Decision Date: 2 March 2015

Description: Construction of two detached houses following demolition of existing house

Reference: 15/04704/FUL

Address: 60 Uphill Road, London, NW7 4PU

Decision: Approved subject to conditions

Decision Date: 22 September 2015

Description: Demolition of existing dwelling and erection of 2 no. three storey dwellings

Reference: 15/06612/CON

Address: 60 Uphill Road, London, NW7 4PU

Decision: Approved

Decision Date: 5 November 2015

Description: Submission of details for condition 8 (Tree protection plan) pursuant to planning permission 15/04704/FUL dated 18 September 2015

Reference: 15/07484/CON

Address: 60 Uphill Road, London, NW7 4PU

Decision: Approved

Decision Date: 6 January 2016

Description: Submission of details of Condition 19 (Details of Tree Felling/Pruning Specification) pursuant to planning permission 15/04704/FUL dated 28/07/2015

Reference: 15/07587/CON

Address: 60 Uphill Road, London, NW7 4PU

Decision: Approved

Decision Date: 25 January 2016

Description: Submission of details for condition 4 (Levels), 5 (Demolition and Construction Method statement) and 10 (Means of enclosure) pursuant to planning permission 15/04704/FUL dated 18.09.2015

Reference: 16/00030/CON

Address: 60 Uphill Road, London, NW7 4PU

Decision: Refused

Decision Date: 16 February 2016

Description: Submission of details for condition 3 (Materials) and 16 (Drainage) pursuant to planning permission 15/04704/FUL dated 18.09.2015

Reference: 16/01113/CON

Address: 60 Uphill Road, London, NW7 4PU

Decision: Approved

Decision Date: 17 February 2016

Description: Submission of details for condition 6 (Landscaping) pursuant to planning permission 15/04704/FUL dated 18.09.2015

Reference: 16/0284/NMA

Address: 60 Uphill Road, London, NW7 4PU

Decision: Approved

Decision Date: 5 February 2016

Description: Non-material amendment pursuant to planning permission 15/04704/FUL dated 18.09.2015 for "Demolition of existing dwelling and erection of 2 no. three storey dwellings". Amendments include "Omission of Basements, conversion of garages into habitable living spaces and changes in fenestration to the front, side and rear elevations"

Reference: 16/0581/CON

Address: 60 Uphill Road, London, NW7 4PU

Decision: Refused

Decision Date: 11 March 2016

Description: Submission of details for condition 7 (Excavation Details) pursuant to planning permission 15/04704/FUL dated 18.09.2015

Reference: 16/2144/CON

Address: 60 Uphill Road, London, NW7 4PU

Decision: Split Decision

Decision Date: 13 May 2016

Description: Submission of details of conditions 3 (Materials) 7 (Excavations) 16 (Drainage) pursuant to planning permission 15/04704/FUL dated 28/07/15

### **3. Proposal**

The current application proposes the 'Variation of condition 14 (Vehicular Sight Line) pursuant to planning permission 15/04704/FUL dated 28/07/15 for 'Demolition of existing dwelling and erection of 2 no three storey dwellings'.

### **4. Public Consultation**

Consultation letters were sent to 18 neighbouring properties. 7 No. responses have been received by way of objections.

2No. speakers wish to speak at the committee.

Comments/objections:

\*Road is used daily by hundreds of students walking to the local school and by several coaches that pick up students on this road.

\*Road used as a cut-through to avoid the A1.

\*Restricted visibility and hazardous to vehicles and pedestrians alike.

\*Proposed lower driveway exit is particularly dangerous as it would be situated on an extremely sharp bend with restricted visibility in all directions.

\*Majority of cars trigger the electronic speed sign, indicating that they are going in excess of 30 miles.

\*Previously installed humps have been replaced with flashing warnings and vehicle speeds have again become excessive.

\*The Highway Statement supporting the application contains several errors

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2015

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

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

#### Barnet's Local Plan (2012)

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

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

Manual for Streets

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to highway and pedestrian safety

### **5.3 Assessment of proposals**

The original condition is as follows:

a) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, no development shall take place until full details (including scaled drawings) demonstrating how a vehicular sight line of 4.5 metres by 43 metres either side of the proposed site access with the Public Highway will be provided has been submitted to and approved in writing by the Local Planning Authority.

b) No unit shall be occupied or brought into use until the development has been implemented in full accordance with the details as approved under this condition. The development shall be permanently maintained in accordance with the approved details thereafter.

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.

This application initially proposed the removal of condition 14 attached to the original grant of planning permission. However, the application has now been amended to vary Condition 14 by substituting 4.5 metres originally required to 2 metres now proposed.

Schemes are required to meet the requirements of the associated policies in relation to Highway and pedestrian safety in conjunction with new developments. During the initial planning application it was considered that a condition should be submitted in order to assess any impact in relation to the Highway.

Visibility splays and sight lines are an essential feature of an access or junction as it allows traffic on the minor road to see cyclists, vehicles and pedestrians on the main road. An unobstructed visibility splay or sight line allows a motorist to see and be seen and with appropriate visibility splays or sight lines, road users have time to see and react to any potential incident.

The applicants have submitted information in support of the variation of condition 14 stating that the variation would not compromise the safety of pedestrians and indeed the Highway. The submission of plan No. 782-001 which is an amended drawing received after the initial Highways and Transport Report was submitted. The plan indicates a visibility splay taken from the North West front element of the site of 46.75 metres, with the South of the front element of the site achieving a 73.5m visibility splay known as the Y distance and an X distance of 2m.

The Highways Officer has confirmed that they are satisfied with the information submitted and that condition 14 can be varied as proposed.

It is considered that on this basis, the variation of the condition is acceptable on highway grounds and therefore condition 14 (Vehicular Sight Line) pursuant to planning permission 15/04704/FUL is recommended for approval.

## **5.4 Response to Public Consultation**

Comments and objections received related to the implication of the removal of Condition 14. As the application has been changed from removal to variation, it is considered that the comments have been dealt with within the main body of 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**

The proposed variation of condition 14 is considered acceptable and the resultant scheme would comply with the requirements of the Development Plan and Manual for Streets.

# Site Location Plan

