

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 2ND NOVEMBER, 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		

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

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

**Andrew Charlwood - Head of Governance**

Governance Services contact: Sheri Odoffin [sheri.odoffin@barnet.gov.uk](mailto:sheri.odoffin@barnet.gov.uk) 0208 359 3104

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	5 - 8
2.	Absence of Members (if any)	
3.	Report of the Monitoring Officer (If any)	
4.	Declaration of Members Disclosable Pecuniary Interests and Non Pecuniary Interests (if any)	
5.	Addendum (if applicable)	
	<b>Mill Hill Ward</b>	
6.	129 Millway London NW7 3JL	9 - 24
	<b>Hendon Ward</b>	
7.	5-7 Parson Street - 165966FUL	25 - 44
8.	Any Item(s) the Chairman decides are urgent	

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## Decisions of the Hendon Area Planning Committee

13 October 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier  
Councillor Sury Khatri

Councillor Hugh Rayner  
Councillor Gill Sargeant

### 1. MINUTES

### 2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Agnes Slocombe.

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

None.

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

None.

### 5. 5 PIPERS GREEN LANE EDGWARE HA8 8DG - 16/5134/FUL

The Committee received the Officer's presentation which included an addendum. Oral representations were heard from Mrs Shah and Mr Newman objecting to the planning application.

Following this Committee discussed and considered the issues. Committee **RESOLVED** to **Approve** the application with conditions as outlined in the officer's report and addendum with revised conditions as follows:-

#### **Obscure Glazing:**

Before the building hereby permitted is first occupied the proposed windows at first floor level in the flank elevations and rear-facing bathroom window 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).

## **Materials**

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016

### **Materials Informative:**

The applicant is advised that a high quality red brick should be proposed for this development, to reflect the character of neighbouring properties and the wider area.

Votes were as follows:-

For	3
Against	2
Abstain	1

## **6. 14 - 16 WEST AVENUE HENDON LONDON NW4 2LJ - 16/5013/FUL**

Committee received the Officer's report and addendum and the officer informed Committee that Reason for Refusal 2 had been withdrawn.

An oral representation was received from Mr M Jones, agent for the applicant.

Following discussion by Committee and consideration of the issues, Committee **RESOLVED to REFUSE** to planning application as per the officer's recommendation.

Votes were as follows:-

For (in favour of the officer recommendation)	5
Against	0
Abstain	1

**7. 14 MARION ROAD MILL HILL LONDON NW7 4AN - 16/1940/FUL**

Committee considered the report and addendum. Following this, the Committee discussed and considered the issues.

Committee **RESOLVED** to **APPROVE** the planning application.

The decision was unanimous

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

The meeting finished at 8.15 pm

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**Location** 129 Millway London NW7 3JL

**Reference:** 16/5653/FUL

Received: 26th August 2016

Accepted: 30th August 2016

**Ward:** Mill Hill

Expiry 25th October 2016

**Applicant:** Mr Oliver Bruh

**Proposal:** Construction of 2 no. two storey single dwellinghouses with rooms in roofspace. Associated amenity space, hard and soft landscaping and provision of off-street parking

**Recommendation:** Approve subject to conditions

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

A01  
A02  
A03  
A04  
A05  
A06  
A07

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 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. A02; 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.

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

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

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

- 6 a) 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).

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

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

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

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

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

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

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

Reason:

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

10 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 and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 129 Millway 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).

- 11 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).

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

- 13 Prior to construction commencing, the applicant shall submit for approval by the Council, details of a drainage strategy for the development setting out sustainable urban drainage system (SUDS) for the site. The SUDS shall be installed prior to occupation of the dwellings and shall be retained thereafter in accordance with the details approved by way of this condition.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan (2015).

- 14 The premises shall be used for C3 dwellinghouses and for no other purpose (including any other purpose in Class C 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.

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

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

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

16 Prior to the first use of the dwelling hereby permitted the approved access, circulation/turning areas and parking spaces shall be fully implemented and shall be retained thereafter and used only for purposes of access, circulation, turning and parking.

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

17 Before the building hereby permitted is first occupied the proposed window(s) in the southern side elevation facing 127 Millway shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 £136.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £52,650 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 relates to a parcel of land located at 129 Millway, London, NW7 3JL which is situated on the western site of Millway. The site is irregularly shaped and deep, particularly in comparison to the immediately surrounding plots. The existing site currently contains a two storey detached dwelling.

The site is surrounded by residential dwellings. The immediate area is characterised by detached and semi-detached single family dwellings.

The site is not indicated as being subject to flooding hazard and is not located within a conservation area. Further, the site does not contain any listed buildings or protected trees.

### **2. Site History**

Reference: 16/0317/FUL

Address: 129 Millway, London, NW7 3JL

Decision: Refused

Decision Date: 24 May 2016

Description: Erection of a two-storey dwelling house with provisions for parking and amenity space.

Reference: 16/0318/FUL

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 31 May 2016

Description: Erection of 2 no, two storey semi-detached houses with provisions for parking and amenity space.

Reference: H/05640/13

Address: 129 Millway, London, NW7 3JL

Decision: Refused

Decision Date: 21 January 2014

Description: Erection of a two-storey single family dwelling following demolition of existing garage with access from Millway. , (AMENDED ADDRESS AND DESCRIPTION).

Reference: H/00463/13

Address: 129 Millway, London, NW7 3JL

Decision: Withdrawn

Decision Date: 18 March 2013

Description: Erection of a two-storey single family dwelling in rear garden, following demolition of existing garage.

### **3. Proposal**



This application seeks permission for the construction of a pair of two storey dwellinghouses, with rooms in the roof space, hard and soft landscaping including the provision of off street car parking.

The proposed new dwellings would be a of contemporary style and would each measure approximately 7.0 metres in width, 13 metres in depth and with a hipped roof forms to 8.6 metres in height (5.8 metres to eaves).

Each dwelling would contain 4 double bedrooms and would therefore be capable of accommodating 8 people. The ground floors would comprise a kitchen/dining area, a living room, an office and an under-stair bathroom. The first floors would comprise three double bedrooms and three bathrooms. The proposed Loft (first floor) would contain a double bedroom.

Hardstanding is proposed at the front of each dwelling. A canopy (car port) is proposed to the front of each dwelling which would project 5.4 metres in depth and 5.6 metres in width. Provision has been made for a total of 4 car parking spaces, being 2 for each dwelling.

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

Consultation letters were sent to 74 neighbouring properties. Six letters of objection have been received and 1 letter of support. The objections are summarised as follows:

- Houses are out of character with surrounding development.
- Impact of additional traffic on highway safety.
- Impact of tree removal on bats living in the area.
- Overlooking to surrounding properties.
- Impact of car fumes on neighbouring development.
- Impact on local hydrology of the area from footing excavations.
- Increased noise impact on surrounding properties.
- Increase of additional floor and additional bedroom to each dwelling above what was previously approved.
- Survey of neighbours trees needed to protect existing roots.
- Unsatisfactory for the proposed loft bedrooms to be lit only by rooflights.
- Amended plans do not match those independently consulted on by the developer.

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

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

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

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

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

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

### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

#### Barnet's Local Plan (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, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08 and DM17.

### Supplementary Planning Documents

#### Sustainable Design and Construction SPD (adopted 2016)

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

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

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- In respect of amenity, states that developments 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.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

1. Principle of the development;
2. Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
3. Whether harm would be caused to the living conditions and the amenities of neighbours;
4. Whether the building would provide suitable living conditions for future occupants;
5. Whether harm would be caused to parking conditions and highway safety

## **5.3 Assessment of proposals**

### Principle of the development

The principle of residential development on this part of the application site has been established by way of appeal decision APP/N5090/A/14/2218941, which related to the construction of a single dwelling house. In this appeal decision, the Inspector highlighted Barnet Local Plan Policy CS5 in paragraphs 10.7.1 to 10.7.4 which refers to the contribution development in gardens can make to housing delivery. This policy also outlines that a robust approach would be taken to proposals involving the loss of gardens, which can be detrimental to the suburban character that makes Barnet a distinctive place. The Inspector went on to establish that the scheme was not characteristic to the general pattern of development the area, but the site is not overly visible from the public domain due to the scale and height of the development, its distance between from the highway, and the surrounding boundary treatment and mature planting.

The dwellings proposed in this application would now be a pair of detached dwellings which are cumulatively wider, deeper and higher than the single dwelling approved under appeal decision APP/N5090/A/14/2218941. However it is not considered that the proposed dwellings would be materially more prominent when viewed from the street scene or any other public domain.

It should also be acknowledged that, following the previous appeal, a separate approval (reference 16/0318/FUL) has been granted for the for construction of pair of two storey semi-detached dwellings to be occupied as single family homes on the site.

As a result of the above, it is considered that the principle of developing the land for residential development is established by previous appeal reference APP/N/A/14/2218941. Furthermore the principle of developing the land for two-dwellings is established by Council's previous approval of application reference 16/0318/FUL.

The principle of the proposed development for a pair of detached dwellings is therefore considered to be acceptable.

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

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The development proposed is of a contemporary design. A hipped roof form is proposed for the dwellings, and although significantly higher than the previously approved proposal in application reference 16/0318/FUL, it is considered that this roof form is generally in keeping with that of surrounding properties.

In reference to the design of a previous scheme allowed under appeal decision APP/N5090/A/14/2218941, the Inspector outlined that the design of the scheme, whilst different to surrounding properties, would 'create a fresh, new entity in its own right' and that it would not be harmful to the established character of the area in the context of its siting, distance from the highway and it not being overly visible. The Inspector went on to outline that the lack of a direct road frontage would be at odds with the majority of other dwellings, but that it 'would not result in any particular harm to the established character of the area nor erode local distinctiveness'. These considerations are directly relevant to the scheme proposed by way of this application and therefore establish the design and siting of the structure as acceptable in planning terms.

By reference to the previous consent for a pair of semi-detached dwellings granted in application reference 16/0318/FUL, it is noted that the proposed dwellings in this application would now be detached, separated by a horizontal distance of approximately 3.2 metres and increased in height by approximately 1.6 metres.

However, notwithstanding these changes, it is not considered that the height or appearance of the dwellings would be significantly at odds with that of surrounding properties or with that previously approved to the extent that it would result in adverse harm.

Given those matters outlined above, it is not considered that the proposed dwellings would harm the character or appearance of the existing building, the street scene or the surrounding area.

Whether harm would be caused to the living conditions and the amenities of neighbours

It is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers.

The structure would not be overbearing or visually obtrusive when viewed from adjoining properties, nor would it cause a loss of daylight, sunlight or outlook. This determination is based on the siting of the buildings being at the rear of surrounding dwellings where it is substantially separated from principal areas of surrounding outdoor amenity space. The proposed dwellings would retain approximately 1.0 metres separation from the southern side boundary, 2.1 metres from the northern boundary. Additionally, the building would be no closer than 13 metres to the western boundary and no closer than 21 m to the nearest adjoining dwelling.

Unlike the previously approved pair of semi-detached dwellings in application reference 16/0318/FUL, the proposal does not incorporate external terraces or balconies. Subsequently it is determined that the proposal would not result in any adverse overlooking or a loss of privacy beyond that previously considered acceptable. A condition has also been recommended to ensure that windows located within the first floor side elevations are obscure glazed. Given this, it is not considered that the building would cause unacceptable overlooking or a loss of privacy.

The development is for 2 new dwellings with 4 car parking spaces. It is acknowledged that the use of the site would have an increased intensity compared to the single dwelling approved under appeal decision APP/N5090/A/14/2218941. However, the parking provision is considered to be consistent with that previously considered acceptable in application reference 16/0318/FUL.

A condition has been recommended relating to future soft and hard landscaping on the site.

On the basis of the above considerations, the proposal is not considered to result in harm to the living conditions of neighbouring residents.

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

This application has been assessed against the Sustainable Design and Construction SPD which outlines minimum living accommodation standards. It is found that the proposed dwellings would meet the necessary internal floor areas in all respects. The remaining outdoor amenity area would also be of a sufficient size. Further, the dwellings would afford future occupiers with an acceptable level of outlook and natural light. As such, the development would provide a sufficient level of accommodation for potential occupiers.

#### Whether harm would be caused to parking conditions and highway safety

Policy DM17 states that dwellings with 4 or more bedrooms should provide 2 to 1.5 parking spaces. The submitted plans show that 4 car parking spaces would be provided on site, being 2 for each dwelling. This parking provision and manoeuvring areas are consistent with those previously considered acceptable with regards to application reference 16/0318/FUL and on this basis would comply with Policy DM17 and are therefore considered acceptable.

#### Other Matters

Comments have been received regarding the loss of trees on site and the impact that this could have on wildlife. None of the trees to be removed are protected by way of a tree preservation order, and it is not considered that the loss of any trees would have an adverse impact on the amenity of the application site or the wider area. A condition has been recommended relating to landscaping on the site which includes details to be submitted of any trees to be removed and/or retained.

With regards to biodiversity, no evidence has been submitted of bats or any other animals being located on the site. Further, it should be noted that the site is not located within an area of importance for nature conservation. The proposed development retains a

substantial garden area and through replacement planting creates potential for new habitats.

## **5.4 Response to Public Consultation**

Concerns raised in the letters of objection have been discussed in the main body of this report, with the exception of the following for which response is provided below.

Comment:

Impact of car fumes on neighbouring development.

Response:

It is not considered that the intensity of residential development proposed would lead to a significant impact on the levels of airborne pollution in relation to surrounding properties.

Comment:

Impact on local hydrology of the area from footing excavations.

Response:

The subject site is not within an identified flood risk area. Subsequently the nature of surface water and drainage on the site is not a material planning consideration.

Comment:

Increased noise impact on surrounding properties.

Response:

The proposed development is residential in nature and situated in a residential area. It is not considered that the development would result in any substantial increase in noise and disturbance beyond the existing residential use of the site.

Comment:

Increase of additional floor and additional bedroom to each dwelling above what was previously approved.

Response:

The increase in floor area and the provision of an additional bedroom is acknowledged. The proposal has been assessed against the criteria of Council's Sustainable Design & Construction SPD and determined to provide suitable accommodation for future residents.

Comment:

Unsatisfactory for the proposed loft bedrooms to be lit only by rooflights.

Response:

The proposal is considered to provide adequate daylight access to all bedrooms.

Comment:

Amended plans do not match those independently consulted on by the developer.

Response:

Any previous independent consultation undertaken by the Developer is not part of the material considerations of this application. The proposal has been consulted on as per the provisions of the Town and Country Planning Act.

## **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 recommended conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and would provide a suitable standard of accommodation. Further, the development is considered acceptable on highways grounds. This application is therefore recommended for approval subject to conditions.





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

**Reference:**                                **16/5966/FUL**

Received: 13th September 2016

Accepted: 15th September 2016

Ward:                                        Hendon

Expiry 10th November 2016

Applicant:                                 Mr B Zekaria

Proposal:                                    Demolition of existing buildings and erection of 3 storey building with rooms in roofspace containing 8 no. self-contained flats and retail unit to ground floor, 4 no. off-street parking spaces, cycle storage and amenity space

AGENDA ITEM 7

**Recommendation:** Approve following legal agreement

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

Site Plan  
Locality Plan

Existing:  
Drawing No. PS16-PP103  
Drawing No. PS16-PP104

Proposed:  
Drawing No. PS16-PP201 - Revision B  
Drawing No. PS16-PP104 - Revision B

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 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).

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

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

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

- 6 a) 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).

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. PS16-PP201 Revision B; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 8 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

- 10 The 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.

- 11 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 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.

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

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

- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 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 2016.

- 18 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.

**Informative(s):**

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £12,642.00 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 £48,762 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 site property is a ground floor commercial unit on Brent Street with residential unit above.

The existing buildings on site are 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 predominantly two storey terraced dwellings of a modest scale.

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

The site is not within a conservation area and is not a statutory or locally listed building.

### **2. Site History**

Reference: 15/02349/FUL

Address: 5 Parson Street, London, NW4 1QD

Decision: Withdrawn

Decision Date: 16 June 2015

Description: Partial demolition of existing building and construction of 4 storey building containing 9 no. self contained flats

Reference: 15/05955/FUL

Address: 5 Parson Street, London, NW4 1QD

Decision: Refused

Decision Date: 2 December 2015

Description: 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

Reference: 16/0806/FUL

Address: 5 Parson Street, London, NW4 1QD

Decision: Refused

Decision Date: 2 August 2016

Description: 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

Reference: H/05226/13

Address: 5 Parson Street, London, NW4 1QD



Decision: Refused  
Decision Date: 6 January 2014  
Description: Use as dry cleaners. Installation of flues to rear of property.

Reference: H/01855/13  
Address: 5 Parson Street, London, NW4 1QD  
Decision: Refused  
Decision Date: 11 July 2013  
Description: Change of use from Plumbing Shop to Dry Cleaners and Retail.

Reference: H/02905/12  
Address: 5 Parson Street, London, NW4 1QD  
Decision: Refused  
Decision Date: 19 November 2012  
Description: Change of use from Plumbing Shop to Laundry business.

### **3. Proposal**

The application seeks permission for the demolition of existing buildings and erection of 3 storey building with rooms in roof space, containing 8 no. self-contained flats and 1 retail unit to ground floor, 4 no. off-street parking spaces, cycle storage and outdoor amenity space.

### **4. Public Consultation**

A site notice was erected on 22 September 2016.

Consultation letters were sent to 156 neighbouring properties.  
2 responses have been received, comprising 2 letters of objection.

Neither of the objectors have requested to speak at committee.

The objections received can be summarised as follows:

- Fails to address issue of parking. Even if the residents of the development will not be eligible for a parking permit, all spaces are taken by the evening (8pm) on Florence Street. I will stop objecting to this development if you coincide it with a change in the permitted hours for parking permits to make it resident permit holders at all times.
- Four parking spaces are inadequate when many residents have two cars. Off street parking is essential. Roads already restricted to Residential Parking. Also results in loss of two existing Residential Parking bays in Florence Street. No parking places provided for staff or customers for the retail unit.
- The Parson Street elevation is out of keeping and character in regards to materials, bulk, design and character.
- Loss of light to No. 9 Parson Street and a lesser degree to No. 2, 4 and 6 Florence Street
- Overlooking and loss of privacy to No. 9 Parson Street and to No. 2, 4 and 6 Florence Street. There should be no windows, doors or balconies on the Parson Street elevation.
- Impact of noise and disturbance resulting from development

On the 17 October 2016 Councillor Braun confirmed with the Case Officer that she would like the application to be heard at committee.

## 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

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

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

The main issues for consideration in this case are:

- Whether 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;
- Whether harm would be caused to the living conditions of future residents;
- Sustainability/Environmental issues;
- Whether the proposals would have an acceptable impact on highway safety.

### **5.3 Assessment of proposals**

Preliminary matters:

The previous application (planning reference: 16/0806/FUL, dated 1 August 2016) was presented at committee on the 20th July 2016. It was refused by members.

The reasons for refusals were as follows:

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 a 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 and 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 Mayors' London Plan (Further alterations 2015).
3. The proposals by reason of the poor quality of the 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.

Under this application the applicant has made several changes to the scheme, compared to the previously refused scheme, including -

- Providing 4 off street parking spaces, as opposed to the previously refused scheme which provided 3 off street parking spaces.

- Reduction of roof bulk of the rear projection (as seen from the Florence Street elevation).
- Reduction of number of proposed flats, from 9 to 8.
- Reduction of commercial unit from 71.3 sqm to 63 sqm to provide an enlarged area of outdoor amenity space to the rear 'courtyard'
- Alterations to the third floor layout, including a new rear balcony for Flat 8.
- Alterations to bin storage and cycle storage positioning

#### Whether the principle of development is acceptable

##### *Land Use*

The 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.

Although the proposals would result in a net loss of commercial floor space within a town centre, on balance, it is not considered that this would significantly harm the viability or vitality of the town centre. Furthermore it was not considered a reason for refusal in the previous application (planning reference: 16/0806/FUL, dated 1 August 2016).

##### *Density*

The site (0.05 hectares) is located in an urban area and is located in an area of PTAL rating 2. The density matrix in the London Plan (2016) advises that development should be at 45-170 units/hectare. The proposals appear to be at a density of 160 units/hectare which falls within the figures suggested by the matrix.

The development at 500 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 (2016) advises that it is not appropriate to apply the density matrix mechanically. Taking this into account it is considered that the density is acceptable for the site.

##### *Unit Mix*

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

##### *Demolition of the existing buildings*

The buildings on site are not statutory or locally listed buildings, nor are they within a designated 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, date plaque and location with Brent Street Town Centre and next to neighbouring locally buildings. However listed, 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 features somewhat diminishes 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

#### *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*

As opposed to the previously refused scheme, this proposal includes rear facing windows at first floor, and a set of double doors and rear balcony at second floor. However, No. 5 does not feature any side windows in the flank elevation facing the application site. Furthermore, considering the distance provided by the single storey mechanics garage on Florence Street between No. 5 and the application site and the fact that No. 5's garden does not directly face the rear elevation of the proposal, it is not considered that harmful overlooking or loss of privacy would occur at this neighbouring 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 8 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 town centre, it is not considered any impact would be harmful.

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

#### *Amenities of future occupiers*

## *Outlook*

It is considered that all future occupiers would benefit from adequate levels of outlook.

## *Privacy*

It is noted that the windows serving the kitchen/dining/living room of Flat 3, Flat 4, Flat 6 and Flat 7 look onto the communal stairs/corridors. However these are secondary windows as these rooms also benefit from front facing windows. As such, a condition has been attached to obscure glaze these windows.

## *Internal Standards*

According to Officer Calculations the proposed units would be as follows:

Unit 1 - 1 bedroom 2 person - 68 m<sup>2</sup>

Unit 2 - 2 bedroom 3 person - 75 m<sup>2</sup>

Unit 3 - 2 bedroom 3 person - 70 m<sup>2</sup>

Unit 4 - 2 bedroom 4 person - 84 m<sup>2</sup>

Unit 5 - 2 bedroom 3 person - 76 m<sup>2</sup>

Unit 6 - 2 bedroom 3 person - 68.6 m<sup>2</sup>

Unit 7 - 2 bedroom 4 person - 76 m<sup>2</sup>

Unit 8 - 3 bedroom 5 person - 108 m<sup>2</sup>

All units would meet minimum standards set out within the London Plan (2016) Housing Standards MALP SPG.

## *External Space*

The outdoor amenity spaces proposed an area of communal garden of approximately 36 square metres and private balconies serving Flat 1, Flat 2, Flat 4, Flat 5, Flat 7, Flat 8.

It is calculated that an area 135 square metres would be required in order to comply with Barnet's Supplementary Planning Document on Sustainable Design and Construction (2013). According to Officer Calculations, there is a shortfall of approximately 60 sqm.

In this case, some amenity space is provided. The amenity space proposed would not meet the requirements of the SPD. However, on the basis that this is a town centre location, this is deemed acceptable.

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

This application provides 4 off street parking spaces, which represents an Increase compared to the previously refused scheme, which provided 3.

The previous scheme, which was refused at committee, was supported by Highways Officers on the basis of 3 parking spaces after the applicant conducted parking surveys.

As this application provides 4 parking spaces, this application is considered acceptable on highways grounds, subject to a legal agreement to prevent residents of the development from obtaining parking permits.

## **5.4 Response to Public Consultation**



- Fails to address issue of parking. Even if the residents of the development will not be eligible for a parking permit, all spaces are taken by the evening (8pm) on Florence Street. I will stop objecting to this development if you coincide it with a change in the permitted hours for parking permits to make it resident permit holders at all times. Four parking spaces are inadequate when many residents have two cars. Off street parking is essential. Roads already restricted to Residential Parking. Also results in loss of two existing Residential Parking bays in Florence Street. No parking places provided for staff or customers for the retail unit.

The scheme under consideration represents an increase of off-street car parking spaces from 3 to 4, compared to the scheme previously refused by members.

Although it is noted from the applicants parking survey that the area suffers parking stress, it is considered that a legal agreement to prevent residents of the development from obtaining parking permits would address this.

- The Parson Street elevation is out of keeping and character in regards to materials, bulk, design and character.

It is not considered that the proposed development would impact the character and appearance of the street scene or surrounding area to an unacceptable level.

- Loss of light to No. 9 Parson Street and a lesser degree to No. 2, 4 and 6 Florence Street

Given that the proposed development is separated from no.9 by Florence Street, it is not considered that there would be any harmful loss of light to these neighbouring properties.

- Overlooking and loss of privacy to No. 9 Parson Street and to No. 2, 4 and 6 Florence Street. There should be no windows, doors or balconies on the Parson Street elevation.

As established in the report above, 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. This also applies to No. 2, 4 and 6 Florence Street.

- Impact of noise and disturbance resulting from development

It is not considered the development would result in an unacceptable level of noise and disturbance, especially within this town centre location.

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

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

## **7. Conclusion**

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

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



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