

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 7TH DECEMBER, 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: Paul Frost
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.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
	Mill Hill Ward	
4.	5 Lawrence Gardens London NW7 4JU	9 - 24
	Edgware Ward	
5.	49 - 51 Manor Park Crescent Edgware HA8 7LY	25 - 44
	Hendon Ward	
6.	Vincent Court Bell Lane London NW4 2AN	45 - 64
7.	Addendum (if applicable)	
8.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

2 November 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier
Councillor Sury Khatri

Councillor Agnes Slocombe
Councillor Zakia Zubairi

- 1. MINUTES**
- 2. ABSENCE OF MEMBERS (IF ANY)**

Apologies were received from Councillor Gill Sargeant who was substituted by Councillor Zakia Zubari. Councillor Hugh Rayner also sent his apologies, as did Councillor Davey who was not able to attend as his substitute.

- 3. REPORT OF THE MONITORING OFFICER (IF ANY)**

None.

- 4. DECLARATION OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)**

None.

- 5. 129 MILLWAY LONDON NW7 3JL**

Committee received the Officer's report, and addendum which amended two conditions.

No speakers were present.

Following discussion, and consideration of the issues, Committee **RESOLVED** to **APPROVE** the planning application.

Votes were as follows:-

For	4
Against	1
Abstain	0

There were 5 Members present to vote for this item.

- 6. 5-7 PARSON STREET - 165966FUL**

Councillor Farrier was present for the start of this item. Committee received the Officer's report and the addendum which clarifies the legal agreement heads of terms for secure car free parking arrangements for the proposed development. Oral representations were

heard from Mr Gravatt who objected to the planning application and the applicant's solicitor, Mr Kon who outlined the merits of the proposal.

Members discussed the proposal and considered the issues. Committee **RESOLVED** to **REFUSE** the planning application, overturning the planning officer recommendation.

Votes were as follows:-

For	2
Against (opposed to the officer's recommendation)	2
Abstain	2

The Chairman used her casting vote to conclude the vote as follows:

For	2
Against (opposed to the officer's recommendation)	3
Abstain	2

The Reasons for Refusal were as follows:-

- 1) The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures and exacerbate existing parking pressures on surrounding roads which would result in a harmful impact on highway and pedestrian safety. The proposals would be contrary to Policies CS NPPF and CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 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 Florence Street and the surrounding area. The proposals would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 7.4 and 7.6 of the Mayors' London Plan 2016.

Plus standard statutory informatives to be added setting out 1) the plans considered as part of this determination, and 2) that the LPA takes a positive and proactive approach to development proposals.

7. **132 AUDLEY ROAD HENDON NW4 - 16_5875_FUL**

Committee received the report and the officers presentation.

No registered speakers were in attendance.

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

The decision was unanimous.

8. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT
None

The meeting finished at 8.05 pm

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Location **5 Lawrence Gardens London NW7 4JU**

AGENDA ITEM 4

Reference: **16/5051/FUL**

Received: 1st August 2016

Accepted: 11th August 2016

Ward: Mill Hill

Expiry 6th October 2016

Applicant: Mrs Faranak Ariamanesh

Proposal: Demolition of existing building and erection of new two storey dwelling house with rooms at basement level and room in roof space.
Associated refuse/recycling facilities and hard/soft landscaping.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 914420, 14-776-E01, 14-776-E02, PL01 rev.D, PL02 rev.E, PL03 rev.E, PL04 rev.D and PL05 rev.D.

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

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

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

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

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

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

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

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

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

- 5 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).

- 6 Before the building hereby permitted is first occupied the proposed windows in the North and South side elevations facing No.3 and 7 Lawrence Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 7 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).

- 8 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.

- 9 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).

- 10 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.

- 11 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 5 Lawrence Gardens 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).

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

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

- 13 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £14,560 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £56,160 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The site contains a two storey detached dwellinghouse, located on the South-Western side of Lawrence Gardens in the ward of Mill Hill. Lawrence Gardens is characterised by detached and semi-detached properties that are set back from the street with dwellings that primarily occupy the full width of the plot and with narrow gaps between the properties. The surrounding area is characterised by residential properties of a varying design and form. The street gradually slopes upwards towards the North-West.

The site is a rectangle shape and is approximately 14.5m wide at the streetfront and 42m long, and falls towards the rear. The site is not within a conservation area and is not listed.

2. Site History

Reference: 15/02285/FUL

Address: 5 Lawrence Gardens, London, NW7 4JU

Decision: Refused under delegated powers.

Decision Date: 26 June 2015

Description: Demolition of existing building and erection of new two storey dwelling house including basement level, rooms in roof space, refuse/recycling facilities and hard/soft landscaping.

Reasons:

- The proposed dwelling, by reason of its design, siting, height and width, relative to the neighbouring properties at No's. 3 and 7 Lawrence Gardens, results in a cramped, visually obtrusive and unsympathetic form of development, which would adversely impact the character and appearance of the area, and the proposal would therefore be contrary to policies in the National Planning Policy Framework, Policy 7.4 of the London Plan (2015), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

- The proposed dwelling by reason of its height, length, siting and design relative to the boundaries of the site, would result in a development that is overbearing and visually obtrusive when viewed from the rear private amenity space at number 7 Lawrence Gardens, as well as from the first floor front window at number 3 Lawrence Gardens, resulting in harm to the amenities of neighbouring residents. The proposal would therefore be contrary to policies in the National Planning Policy Framework, Policy 7.4 of the London Plan (2015), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality

spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

3. Proposal

This proposal is for the demolition of existing dwelling and erection of a new two storey dwelling house with rooms at basement level and room in roof space. In addition, the development includes associated refuse/recycling facilities and hard/soft landscaping.

The new dwelling will measure approximately 11.9m in width, 14.9m in depth along the Western elevation and 10.2m along the Eastern elevation. It will stand at 8.3m to the ridgeline.

The main roof is hipped, however the front elevation would have one primary front gable projection and a second front projection with a hipped roof. The east side elevation would have a gable projection, and the rear roofslope would contain two dormer windows.

The dwelling will be set approximately 1.4m off the boundary with No.3 and 1.1m off the boundary with No.7.

In addition it will be set 2.3m away from the flank wall of No.3 and 2.1m away from the flank wall of No.7.

The five bedroom dwelling will have an internal floor area of 416sqm and 242sqm of private amenity space to the rear.

The basement will measure 9.5m in depth, 11.9m in width and have a head height of 2.5m.

The proposed materials are red brick with a rendered gable to the middle of the front elevation and a rendered gable to the East elevation.

This application has been submitted following the refusal of planning application reference 15/02285/FUL. The changes between the previously refused scheme and the current scheme are as follows:

- Height reduced by 0.2m
- Width reduced by 0.2m
- Depth reduced by 0.2m
- In terms of siting, the front elevation has been set back 1.8m on the side of No.3 Lawrence Gardens to 3m from 4.8m and set forward 0.2m from the front elevation of No.7 Lawrence gardens to 2.2m from 2m.
- The dwelling's internal floor space has been reduced by 5sqm
- The design of the front elevation has been simplified from three prominent projections to two subservient projects that are set down from the main roof.

4. Public Consultation

Consultation letters were sent to 20 neighbouring properties. 4 responses have been received, comprising of 4 letters of objection.

The objections received can be summarised as follows:

- The new house would be excessive in height and scale and result in overdevelopment of the site and impact on the street scene
- Overbearing and would harm amenity through loss of outlook, light and privacy
- Loss of privacy from proposed rear patio
- Cannot accurately assess the elevations in relation to No.3
- Creation of parking 'slipway' would be impossible
- If granted the dwelling should match the materials of the neighbour dwellings

This application was called into committee by Councillor Khatri, who has advised his grounds for concern are over-intensification and overbearing structure and inappropriate development of the site and impact on amenity of the neighbours.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Part 2 of the SPD sets out the general guidelines for new residential development.

- All new proposed design should relate to its setting and local character and be of an appropriate density;
- All proposals for new development should complement or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs; and
- Be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight and do not reduce the amenity value of neighbouring occupiers.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

- Whether harm would be caused to the living conditions of neighbouring residents and future occupiers;
- Parking arrangements.

5.3 Assessment of proposals

Principle of the development

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

The application site is located within an established residential area, where Policy DM01 directs new development to. The principle of residential development is therefore acceptable in terms of criteria set out in Policies DM01 subject to an assessment of the scheme against policies and the parameters governing residential development.

Impact on the character of the area

Lawrence Gardens is characterised by a mix of different styles and design of house, and a mix of plot sizes. Many houses tend to occupy the majority of the plot width with small gaps in between the properties.

The previous application Ref. 15/02285/FUL for a new dwellinghouse was refused on the following character grounds:

- The proposed dwelling, by reason of its design, siting, height and width, relative to the neighbouring properties at No's. 3 and 7 Lawrence Gardens, results in a cramped, visually obtrusive and unsympathetic form of development, which would adversely impact the character and appearance of the area, and the proposal would therefore be contrary to policies in the National Planning Policy Framework, Policy 7.4 of the London Plan (2015), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

Concerns were raised by No. 3 and No.7 Lawrence Gardens about the scale and height of the current proposal which would result in the overdevelopment of the site and harm the character of the streetscene. The height has been reduced from the previously refused scheme and the ridge height of the property to 8.3m which matches the height of No.3 Lawrence Gardens and this is 0.2m lower than the height in the previous refusal Ref. 15/02285/FUL. It is noted that this height is less than the ridgeline of the existing property on the site. It is therefore considered that the height is acceptable and does not have an adverse impact on the character of the streetscene.

In addition the overall width of the dwellinghouse has been reduced by 0.2m following concerns about scale from the previous permission. The flank side walls are set 2.3m from No.3 Lawrence Gardens and 2.1m from No.7.

In terms of design the proposed two gable front projections, which are set down from the main roof, are considered acceptable and integrate satisfactorily in the context of the varied design of houses in the street. This design has been simplified from the previous refusal which proposed three prominent gable ended projections. It is considered that the dwelling's front elevation would not appear to be excessively dominant in the context of the existing street.

The development is considered to be of a scale, size, mass and design that is in keeping with the character and appearance of the adjoining dwellings and within the context of the architectural design and visual appearance of the surrounding area and is not considered to result in any harmful impact on the character and appearance of Lawrence Gardens. The changes made to the design and appearance of the building overcome the previous reason for refusal, and it is considered that the proposal would have an acceptable impact on the character and appearance of the locality.

Amenity and outlook for future occupiers

The proposed dwelling house has a proposed floorspace of 416 sqm which exceeds with the minimum floor space standards for five bedroom dwellings (London Plan 2016). The bedrooms would also meet the minimum size standards set out in Barnet's Sustainable Design and Construction SPD (2016). The built in storage complies with the 3.5 sqm minimum required in Barnet's Sustainable Design and Construction SPD (2016).

It is considered that the design and site of the development would provide a suitable standard of internal daylight conditions or outlook for future occupiers.

The proposal with 242sqm of private amenity space to the rear exceeds the minimum 85sqm requirement for a house with more than seven habitable rooms as set out in Barnet's Sustainable Design and Construction SPD (2016).

Impact on neighbouring amenity

The previous application Ref. 15/02285/FUL for a new dwellinghouse was refused on the following amenity grounds:

- The proposed dwelling by reason of its height, length, siting and design relative to the boundaries of the site, would result in a development that is overbearing and visually obtrusive when viewed from the rear private amenity space at number 7 Lawrence Gardens, as well as from the first floor front window at number 3 Lawrence Gardens, resulting in harm to the amenities of neighbouring residents. The proposal would therefore be contrary to policies in the National Planning Policy Framework, Policy 7.4

of the London Plan (2015), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

Concerns have been raised in respect of the current scheme from neighbours, about loss of light, outlook and privacy created by the scale of the dwelling in this current application.

Since the previously refused application, the overall height has been reduced to match the ridgeline of No.3 and it is considered to have no adverse impact of the amenity of either neighbouring property. In addition, the current proposal has been amended to reduce the impact of the front elevation by setting the front of the dwelling back 1.8m on the side of No.3 Lawrence. It is noted that the main body of the dwelling at No.3 (excluding the attached garage which is not considered to be a habitable room) is located 6.2m away from the proposal.

The proposed rear building line will match No.3 Lawrence Gardens and project 3.7m further than the rear elevation of No.7. In the refused application it projected 4m from the rear of No.7, the current proposal has a 0.2m reduction in depth.

In regards to loss of privacy the windows proposed on both of the dwelling's side elevations are to be obscurely glazed and a condition will be attached for the obscure glazing to be maintained.

In addition No.3 Lawrence Gardens raised a concern about the raised patio to the rear of the proposed dwelling impacting on the neighbour's privacy. The raised patio is proposed at ground level on top of the proposed basement. It is noted that No. 7 Lawrence Gardens has a terrace to the rear at ground level. The raised patio will be set a significant distance off the neighbouring boundaries and a 1.8m high timber fence is proposed along edge of the terrace neighbouring No.7. It is considered that this screening and separation distance would be adequate and that the proposed rear terrace will not cause demonstrable harm to the residential amenities of either neighbouring occupier to an extent that would warrant a reason for refusal.

In conclusion it is considered that this application by reducing the depth and improving the dwelling's siting has addressed previous amenity issues from application Ref. 15/02285/FUL relating to height, length, siting and design. In addition it is considered that the current application would not have an adverse impact on residential amenities in terms of loss of privacy, outlook or light of either neighbouring occupier to an extent that would warrant a reason for refusal.

Highways

The plans show a large carriage driveway, which can accommodate three cars which would meet Barnet's Parking requirements.

A concern was raised as part of the consultation process from a neighbouring property that the creation of a parking 'slipway' would be impossible. It is noted that the applicant would need to apply to the Council's highway department to create an additional dropped curb for access to the driveway.

5.4 Response to Public Consultation

The concerns relating to scale, height, overdevelopment, character, materials and loss of outlook, light and privacy have been addressed in the report above. In addition elevations and parking were also addressed within the report.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **49 - 51 Manor Park Crescent Edgware HA8 7LY**

Reference: **16/4253/FUL**

Received: 29th June 2016

Accepted: 7th July 2016

Ward: Edgware

Expiry 1st September 2016

Applicant: Mr Emir Karadag

Proposal: Demolition of existing building and erection of new two storey building with basement level and rooms in roofspace to facilitate mixed B1 and D1/D2 at basement level, partial D1/D2 use at ground floor level and 8 no. self-contained flats at ground, first and second floor levels (use class C3).
Provision of amenity space, cycle and refuse storage

AGENDA ITEM 5

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. Works on public highway to further the development to be carried out under S278 of the Highways Act.

4. 3. Highways (traffic order) £2,000.00

A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

RECOMMENDATION II:

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 49-51MPC-PP1-02 RevC; 49-51-MPC-PP1-03 RevB; 49-51MPC-PP1-05; 49-51MPC-PP1-06.

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) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential

Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

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) 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).

8 The flat roof of the building, other than those shown on the approved plans specifically as terraces, hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

9 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.

10 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.

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

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

12 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.

13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design

which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

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

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

15 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 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

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

18 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).

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

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

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

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

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

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

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

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

21 The D-use and B1 uses hereby permitted shall not be open to members of the public before 8.30am or after 11pm on weekdays and Saturdays or before 9am or after 11pm on Sundays and Bank and Public Holidays.

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

22 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

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.

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10/03/2016, 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 proposed development does not include a formal undertaking to meet the costs of highways works and an amendment to the traffic order. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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

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

Officer's Assessment

1. Site Description

The application site consists of a vacant two storey building close to Edgware Town Centre which was previously used as a social club and community centre. The site is located in an area of mixed character, although set away from Station Road, residential use is predominant. The adjoining premises to the east are residential while those to the west are commercial at ground floor (estate agent, memorial stonemason and dry cleaners) with flats above.

The site is located at the junctions of Manor Park Crescent with Old Rectory Gardens and Manor Park Gardens. The building is set back significantly from the established building line in order to accommodate an onsite car park at the front of the site.

The existing development comprises of two buildings. At the front is a modest two storey dwellinghouse style building. Adjoining the building to the rear is a more substantial two storey building that projects to the rear and side boundaries of the site and is a large, dominant building clearly visible for the occupiers of properties in Manor Park Crescent and Manns Road.

There are no Tree Preservation Orders relevant to the site, although there are mature trees in the rear gardens of neighbouring properties. The property is not in a conservation area and the application site is not located within the setting of a listed building.

The site is located in a PTAL 6a location equating to excellent passenger transport accessibility. Edgware Station, terminus for the northern line is located in close proximity to the site.

2. Site History

Reference: W04266

Address: Edgware Constitutional Club

Decision: Refuse

Decision Date: 24 October 1973

Description: alterations to ground floor and extensions to first and second floors

Reason for refusal: No provision for parking

Reference: W04266A

Address: Edgware Constitutional Club

Decision: Approve with conditions

Decision Date: 19 December 1973

Description: alterations to ground floor and extensions to first floor and second floors

Reference: W04266B

Address: Edgware Constitutional Club

Decision: Approve with conditions

Decision Date: 23 January 1974

Description: alterations to ground floor and extensions to first floor and second floors

Reference: W04266C

Address: Edgware Constitutional Club
Decision: Approve with conditions
Decision Date: 18 December 1974
Description: alterations to ground floor and extensions to first floor and second floors

Reference: W04266D
Address: Shakespeare Hall, 49 - 51 Manor Park Crescent
Decision: Approve with conditions
Decision Date: 1 March 1976
Description: Rebuilding store at rear for use as kitchen.

Reference: W04266E
Address: Edgware Constitutional Club,
Decision: Approve with conditions
Decision Date: 17 October 1985
Description: Single storey rear extension for storage purposes

Reference: W04266F
Address: Shakespeare Hall, 49 - 51 Manor Park Crescent
Decision: Approve with conditions
Decision Date: 12 September 1989
Description: Two storey rear extension

3. Proposal

The application relates to the demolition of existing buildings and erection of new two storey building with basement level and rooms in roofspace to facilitate mixed B1 and D1/D2 at basement level, partial D1/D2 use at ground floor level and 8 no. self-contained flats at ground, first and second floor levels (use class C3). Provision of amenity space, cycle and refuse storage.

The building will have a height of 11.3m to the ridge and 7.04m to the eaves, dormer windows are incorporated into the roofspace. The proposal will not project any higher than the neighbouring property no.45/47 and will extend approximately 0.6m higher than no.53. The building will have a staggered front building line to reflect the building lines of both neighbouring properties on either side. The ground floor will have a depth of 26.4m at its deepest and 13.09m at its shortest.

Basement space will be provided for the D1/D2 use and B1 office space.

4. Public Consultation

Consultation letters were sent to 132 neighbouring properties.
9 responses have been received, comprising 8 letters of objection, and 1 letter of comment.

The objections received can be summarised as follows:

- Loss of amenity: - privacy, overshadowing, overlooking
- Drop in property value
- Disturbance during demolition and building works.
- Insufficient parking, Increased pressure on surrounding roads. CPZ already heavily parked.

- Impact on neighbouring foundations. Structural and party wall issues must be paid for by the applicant.
- 1 Bedroom flats are not appropriate in a family area.
- Impact on character.
- Demolition should be rejected until party wall agreement awarded.
- Requires temporary hoarding whilst building is being constructed.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS8, CS9 and CS10.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM12, DM13, DM14 and 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:

- The principle of mixed use development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Principle of use

The existing building is known as the Edgware Constitutional Club and has been used for a wide range of social and community events. However, due to an increase in costs, a reduction in attendance numbers, the existing owner and occupier of the building sought to sell the property. The property was marketed and disposed of.

The Development Plan sets out a presumption against the loss of community facilities in the Borough. The loss of such facilities will only be acceptable in exceptional circumstances where there is re-provision of equivalent functionality or floorspace in the Borough or in the locality by way of compensation or there is no demand for a continuation of the use in any respect and marketing has been carried out to demonstrate this to be the case.

The applicant has provided a substantial statement of both marketing and justification to address the loss of community use floorspace. The application will now provide 170sqm of D-use floorspace over the ground and basement floors.

The applicant has outlined the fact that the use of the property as a Constitutional Club has become unviable due to a reduction in membership and the fact that the activities carried on inside the premises were accessible only for Members. In addition, the hireable space within the building was becoming less attractive to prospective users. The quality of accommodation is generally poor and outdated with the majority of space at first floor level without disabled toilets and without a lift.

The planning statement advises that an agent was approached in October 2014 and marketing was carried out for a period of approximately 15 months from October 2014 to January 2016 when the premises were sold. The marketing was carried out by a specialist in D1 and D2 floorspace however, the premises were not attractive to a suitable D2 operator. The premises were marketed on a sale basis rather than rental on the premise that a likely rental occupier would not make the required changes to the building to bring it up to DDA compliance.

Marketing methods included the following practices:

- o Exterior display board
- o In house marketing and client database

- o Targeted mail drops
- o Open marketing and online advertising
- o Press advertising in the Hendon Times and Estates Gazette

The marketing support submitted as part of the application demonstrates a broad range of marketing methods to secure a viable D1 or D2 occupier within the premises which would meet the expectations of robust and comprehensive marketing. It is considered the re-provision of D-use floorspace mitigates against the loss of some floorspace and as such the principle is accepted.

The scheme makes provision for 146sq.m of floorspace B1 office space. The site is located within the Edgware Town Centre boundary as indicated by the amendments to the UDP Proposals Map which were adopted in conjunction with the Local Plan. Policy DM14 suggests that new employment floorspace, particularly B1 floorspace should also be provided in town centre locations. In respect of the B1 elements, the scheme is found to be acceptable. The planning statement has been accompanied by a letter from estate office property consultants which demonstrates a need for B1 office space. This indicates that the previous occupiers of Premier House also situated in Edgware will have to find new premises after the prior notification application at Premier House which allowed for the building to be converted into residential units.

Policy DM11 also promotes mixed use developments including a wide range of uses including retail, employment and community use and consideration should be given to the re-provision of updated and improved community floorspace as mitigation for the loss of the existing facilities. New residential development is also considered to be acceptable in town centre locations as part of the mixed use development.

Commercial floorspace should retain a degree of self containment for the purposes of privacy and security including within the access point.

The scheme proposes eight residential units comprising 3 x 1 bed and 5 x 2 bed units and given the town centre location and the residential typology along this part of Manor Park Crescent and Edgware Station Road, it is considered that a flatted development would not be out of character. Furthermore, the provision of 1 and 2 bed units would also be acceptable.

Impact on the amenities of future occupiers

The residential units comply with the relevant London Plan space standards MALP 2016. The units comprise of the following:

- Flat 1 - 2 bedrooms - 113.9sqm.
- Flat 2 - 1 bedroom - 63.6sqm
- Flat 3 - 2 bedrooms - 64.5sqm
- Flat 4 - 2 bedrooms - 65.9sqm
- Flat 5 - 2 bedrooms - 75.3sqm
- Flat 6 - 1 bedroom - 54.8sqm
- Flat 7 - 1 bedroom - 55.6sqm
- Flat 8 - 2 bedrooms - 63.7sqm

The flats benefit from balconies to provide external space in addition to a communal garden area of 96sqm to the rear of the site. In addition, the building is located within close proximity to town centre amenities and it is therefore considered that the proposal provides

adequate amenity for future residential occupiers. Although, it is noted that there will be a degree of mutual overlooking from the communal garden area, this is not considered to warrant a reason for refusal

Impact on the amenities of neighbours

There are no side windows in either of the neighbouring properties which will be impacted by the bringing forward of the building. To the rear the building line of the property is considered to be acceptable and would not cause overlooking, loss of privacy or outlook to the neighbouring properties or the properties to the rear on Manns Road. There is considered to be sufficient distance between the rear of these properties and the proposed rear building line of the development.

Character and appearance

As existing the building has a significant set back from the public street, the proposal will extend it further forward and will align with the neighbouring properties with a staggered front building line. The proposal will still maintain a set back from the pavement edge. The proposal is not considered to be out of character and will maintain the existing building lines along this part of the street. The proposal is considered to comply with Policy DM01 which requires proposals to be based on a local understanding. It is considered that given the surrounding context the proposed design is acceptable.

Traffic and Highways

The traffic and development team have reviewed the proposals and consider that subject to necessary S106 agreement to include S278 works to reinstate the redundant crossover and contribution to amend the TMO to extend the parking bays across the site to provide a disabled bay and residential parking. The traffic and development team are satisfied with the proposal. The proposal is considered to comply with the requirements of Policy DM17 of the development management plan policies. The site is located in an area with the highest PTAL score of 6a and is within close proximity to the town centre amenities.

Environmental Health

The Environmental health team have reviewed the application and are satisfied with the proposal subject to conditions being included. The proposal is considered to comply with policy DM04

Trees and landscaping

The application document is accompanied by tree information. Although, there are no TPO trees on site there are a number of significant trees on site that should be considered as part of the development proposals. The application is accompanied by the tree report Sheratt Arboricultural impacts report ref 477 dated 21 June 2016. The report identifies 11 trees in proximity to the proposed demolition and development area but located on 3rd party property. Of these trees 4 have their root protection areas entering the site.

The development footprint is outside the RPAs of all 3rd party trees. Concerns have been raised by the arboriculturist that after the current building has been removed the trees will be exposed to stronger winds and liable to failure unless the tree owner undertakes remedial action. A slight crown reduction of these trees will not have a significant impact on visual tree amenity.

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 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 is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

5.4 Response to Public Consultation

The application has been amended to remove the staircase from the rear of the site to address ownership concerns raised by objectors. Matters of the party wall agreement are civil matters.

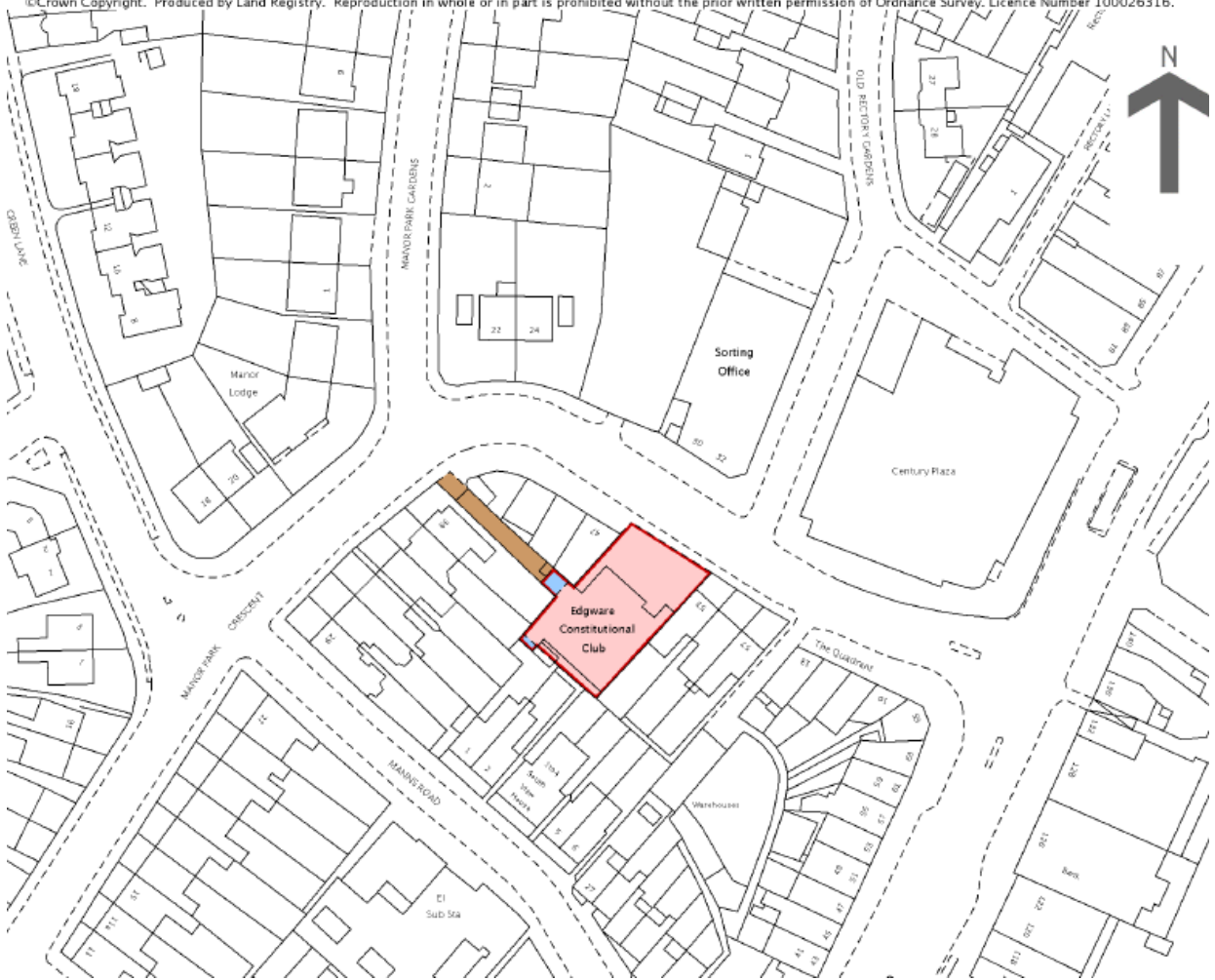
All other planning related matters are considered to be covered in the above appraisal.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **Vincent Court Bell Lane London NW4 2AN**

Reference: **16/5110/FUL**

Received: 2nd August 2016

Accepted: 2nd August 2016

Ward: Hendon

Expiry 27th September 2016

Applicant: City and Countryside Properties Ltd

Proposal: Demolition of existing single storey garages and construction of a three storey building to provide 7no., self-contained flats with associated amenity spaces. Construction of 2no., three storey self-contained houses with terraces on second floor level. Associated car parking and landscaping.

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

336.PL.001 (Location Plan)
336.PL.002 (Existing Block Plan)
336.PL.003 (Existing Floor Plan)
336.PL.004 (Existing North and South Elevations)
336.PL.005 (Existing East and West Elevation)
336.PL.006 (Existing Site Sections)
336.PL.010 Rev.A (Proposed Block Plan)
336.PL.011 Rev.A (Proposed Ground Floor Plan)
336.PL.012 Rev.A (Proposed First Floor)
336.PL.013 Rev.A (Proposed Second Floor)
336.PL.014 Rev.A (Proposed Roof Plan)
336.PL.020 Rev.A (Proposed North and South Elevations)
336.PL.021 Rev.A (Proposed East and West Elevations)
336.PL.022 Rev.A (Proposed Short Sections)
336.PL.023 Rev.A (Front Elevation (Detailed))
336.PL.024 Rev.A (Proposed Site Sections)

Daylight/Sunlight Report (dated 24/05/16)
Daylight/Sunlight Letter (dated 20/10/16)
Design and Access Statement (dated June 2016)
Design and Access Statement Addendum (dated October 2016)
Planning Statement (dated July 2016)
Sustainability and Energy Statement (dated 20/06/16)
Transport Planning Technical Note (dated June 2016)
Tree Survey (dated 02/06/16)

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

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

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

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

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

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

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

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

- 7 The proposed development shall be carried out in accordance with the Arboricultural Method Statement and tree retention and tree protection details as stated within the approved BS5837 Tree Survey dated 02 June 2016.

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

8 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 2015.

9 Before the development hereby permitted is occupied the proposed parking spaces and electric charging points within the parking area as shown in Drawing No. 336.PL.011 Rev.A, submitted with the planning application shall be provided. 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 the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

11 Before the development hereby permitted is occupied cycle parking spaces as shown in Drawing No. 336.PL.011 Rev.A shall be provided and shall not be used for any purpose other than cycle parking in connection with the approved development.

Reason: To ensure that cycle parking facilities are provided in accordance with the council's standards in the interests of sustainable travel 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.

- 12 Before the development hereby permitted is occupied, the proposed refuse and recycling details as shown in Drawing No. 336.PL.011 Rev.A submitted with the planning application shall be provided and retained as such thereafter.

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

- 13 a) 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).

- 14 Before the building hereby permitted is first occupied the proposed louvres shall be fully installed on the western elevations of the central building and two dwellings as shown on Drawing No. 336.PL.021 Rev.A and the Design and Access Statement Addendum (dated October 2016). The installed louvres shall be maintained as such in perpetuity thereafter.

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

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

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

- 16 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).

- 17 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.

- 18 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and Flat 1 of the ground floor of the central building shall be constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 19 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 9.64% 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.

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £33,320 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 £128,520 payment under Barnet CIL.

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

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

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

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

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 6 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 7 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 8 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 9 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

- 10 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 11 The applicant is advised that Bell Lane is a 'Traffic Sensitive Route' from 8.00am-9.30am and 4.30pm-6.30pm Monday-Friday.

Officer's Assessment

1. Site Description

The application site measures 0.104 hectares and relates to an area of land to the east of Vincent Court. At present, the site comprises 29 single storey garages which are arranged in two rows. Access to the site is achieved from Bell Lane.

The surrounding area is residential in character comprising mostly of two-storey detached and semi-detached properties. The buildings on site or adjacent are not statutory or locally listed and the site does not lie within a designated conservation area.

2. Site History

No relevant planning history.

3. Proposal

The application seeks to demolish the existing garages on site and construct a series of 3 storey, linked buildings, consisting of a total of 7 self-contained flats with associated amenity space and 2 houses with terraces on second floor level. The proposal also includes the provision of associated car parking and landscaping.

A number of amendments have been made to the proposed development. Amendments have been made to the following:

Front building:

- Changes to external finishing materials facing Bell Lane
- Changes to vehicle entrance to include electric gate

Central and southern building:

- Changes to materials and massing
- Additional window screening
- Southern boundary screening

4. Public Consultation

Consultation letters were sent to 75 neighbouring properties.

10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site area and increasing density;
- Design is out of keeping and incompatible with the historic character of Vincent Court;
- Poor relationship with adjoining buildings;
- Loss of light;
- Intrusion of privacy;
- Overbearing due to topography of site and massing of proposed buildings;
- Loss of outlook;
- Overlooking from proposed balconies;
- Loss of open space;
- Loss of existing trees;
- Loss of parking within existing garages;

- Highways safety;

The neighbour notification period was re-opened as a result of the amended plans being submitted. 1 response has been received, comprising of 1 letter of objection. The objection can be summarised as follows:

- Additional information does not meet address initial objections, namely the excessive height, the mass and proximity to the rear of the houses in Green Walk
- Additional buildings will only serve to increase the congestion and lack of overnight parking in the immediate area.
- Issues of invasion of privacy, disturbance and loss of light have not been sufficiently addressed.

Other consultations

The application was called in to committee by Councillor Braun should the recommendation be for approval.

Hendon and District Archaeological Society - A significant amount of mediaeval pottery was found in the Hendon School playing fields close by. An archaeological condition should therefore be considered.

Historic England - Unlikely to have a significant effect on heritage assets of archaeological interest.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016) requires that:

- Design of new residential development relates to its setting and local character;
- Proposed density is suited to the site and to the wider context;
- Proposal responds positively to reinforcing or improving local character.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of redeveloping the site for residential use;
- 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 future and neighbouring residents;
- Impact on highway safety and parking allocation; and
- Any other issues.

5.3 Assessment of proposals

Principle of development - loss of garages and appropriateness of residential

Loss of garages

In assessing whether the loss of the existing garages is acceptable, the Planning Authority needs to be satisfied that the car parking facilities serve no local need, or there is alternative parking available with equivalent or better capacity.

The site contains 29 garages, the loss of which, if in full use as car parking spaces, could result in a further 29 cars being parked on the street or in the surrounding area should the application be permitted. The applicant has carried out a survey of the use of the garages and reported that:

- 8 garages were leased to Vincent Court residents, of which only 1 was used as a car parking space;
- 18 garages were leased to private businesses or Vincent Court non-residents, of which 2 were used as car parking spaces; and
- 3 garages were vacant.'

Therefore only 3 of the existing garages are presently utilised for car parking provision. If this is the case, then they would appear that the garages do not serve a local need and therefore their loss can be accepted.

Appropriateness of residential development

The site is located within a residential area, consisting mostly of single family houses, with the exception of the adjacent Vincent Court which comprises 66 flats. The introduction of additional housing on this site is considered to be in keeping with the context of the surrounding area and the principle of residential development is acceptable.

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 2. The proposal would provide 9 units with a total of approximately 29 habitable rooms. The site measures 0.104ha and the London plan would indicate an appropriate density of between 150-250 habitable rooms per hectare and 40-80 units per hectare. In this instance, the proposal would result in a density of approximately 278 hr/ha and 86.5 u/ha, which would be in slight excess of the London Plan standards. However, it is advised that this should not be applied mechanistically. Considering, the local context and the form of the adjacent Vincent Court, the proposed density is considered appropriate.

The proposal development would provide a mix of dwelling types, comprising 7 x 2 bedroom flats and 2 x 3 bedroom houses. Policy DM08 states that homes with 3 bedrooms are a medium priority and therefore the proposal would help contribute towards this provision.

Impact on character and appearance of the site and surrounding area

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

In assessing the local characteristics of the area, the adjacent Vincent Court development consists of three mansion blocks, constructed with flat parapet roofs and finished with brick and white render. At the west end of the site, the buildings are 4 stories high and steps down to 3 stories as you move easterly down Bell Lane. The blocks are set back approximately 10m from the pavement, with a landscaped front area of planting, tarmac and narrow paths which link the buildings. At the rear of Vincent Court is a large shared amenity area of open lawn, stepping down towards the east, with mature trees along the southern boundary.

The proposed development would seek to reflect the pattern of development with the proposed front building being of a similar massing and bulk of the adjacent Vincent Court and would extend the prevalent building line along Bell Lane. The external appearance of the front elevation facing Bell Lane has been amended to replace the brickwork with a white rendered finish with areas of brick and timber cladding. This is considered to be more reflective of the adjacent building and helps provide continuity within the streetscene. As the proposed building extends to the eastern boundary, the east end of the upper floor is stepped in and back in order to reduce the scale of the proposal to the neighbouring houses to the east. This aspect of the proposal is considered to be acceptable.

Behind and at right angles to the front building, is a three storey central building which faces west towards the communal lawn and east to car parking area. Further south, is a pair of three storey houses which are staggered in layout and face east/west, similar to the central building. The first two storeys would be finished with brick, with the third storey set back and clad in metal and timber boarding to contrast the brick. In assessing the appropriateness of these two elements of the proposal, the existing pattern of development is of single storey garages which run perpendicular north/south to Vincent Court. Therefore the proposed layout would not be considered out of character and would reflect the existing pattern of development. As such, the consideration therefore would be focused on whether the increased massing and height of the central and southern buildings would have a detrimental impact on the character of the surrounding area. The proposed buildings would be of similar height to the proposed front building and would not exceed the height of Vincent Court. It has been attempted to reduce the overall bulk of the proposed development by stepping in the third storey. The siting of these buildings would also be towards the rear of the site behind the front buildings and therefore their visual impact would be limited to views from the communal area of Vincent Court and the rear gardens of Green Walk. For these reasons, the proposed development, along with the proposed appropriate finishing materials, is considered to be appropriate within the context of the character of the site, street scene and surrounding area.

Impact on the amenity of neighbouring residents and future occupiers

Residential amenity

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings

should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.

Within the proposed front building, there would no issues arising which would cause any unacceptable impacts on neighbouring amenity. It is noted that there are no windows proposed on the eastern elevation and the individual terraces are positioned between buildings or recessed in order to minimise any overlooking.

In terms of the impact on the neighbouring houses to the east of the site, the positioning of the central and southern buildings is such that there is a distance of approximately 26m between facing windows and 11m to the rear garden boundaries. This would therefore comply with the Council's standards set out in the Residential Design SPD and is not considered to result in a detrimental impact on the amenity of the properties to the east.

In terms of the impact on the existing flats within Vincent Court, as the proposed building is positioned perpendicular to this building, there would not be any instances of direct facing windows. The amenity impact would therefore be considered to be the potential perception of overlooking from the proposed new buildings towards Vincent Court. Due to the angle from views from Vincent Court towards the proposed buildings, it is not considered that this aspect would be detrimental. In order to overcome the issue of overlooking between windows in the proposed central building and Vincent Court, screening in the form of fixed vertical timber louvres would be integrated into the design of the windows. Officers are satisfied that this is sufficient to address the impact of potential overlooking. The applicant has submitted a daylight & sunlight report which assesses the implications of the proposed new development at Vincent Court. This report found that that the vast majority of windows on the block immediately west (nos. 61-66) would experience no noticeable reduction in daylight levels and would be compliant with BRE criteria. The report identified on page 6 of the report that two windows, W09 on the ground floor and W8 on the first floor which indicate an isolated deviation from the overall findings. However, it notes that these are small secondary windows within a bay window and are shown on page 20 of the window on Drawing No. 1355-WM07. Therefore the overall, daylight/sunlight levels will not be detrimental as they are not primary windows. Officers are accepting of this conclusion and are of the opinion that as the buildings are sited perpendicular to each other and Vincent Court rear elevation is south facing, the impacts are not considered to be detrimental. The properties to the east (nos. 35-45 Green Walk) would be unaffected and retain levels expected by the BRE criteria.

Amenity for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. Each of the proposed 7 flats and 2 houses would meet their respective standards.

Each of the units would be at least dual aspect, with the front building windows facing north/south and the central and southern blocks having east/west facing windows. The applicant has submitted an addendum to the daylight/sunlight report which accounts for the addition of the timber louvres. The addendum states that while the sky visibility will be

slightly limited, the overall daylight levels will remain satisfactory. Overall, officers are satisfied that the proposed units would have adequate levels of outlook, daylight and sunlight.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m² should be provided per habitable room for flats and 40m² should be provided for houses up to four habitable rooms respectively. Each of the units would have access to a private terrace area and also would have access to the communal garden area to the west. Typically the Planning Authority would seek private rear garden space for houses, which would not be provided in this case. The proposed houses would only have individual terraces on the third floor, while house 3 would also have a side terrace area on the ground floor. However, officers on balance considered that the access to the communal area which is in the control of the applicant was considered acceptable and the insistence on private rear gardens would have resulted in the loss of the residential units. The preference to provide additional housing was considered to hold significantly more weight.

Highways safety and parking provision

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

15 parking spaces are proposed for the new development to accommodate residents/visitors for the proposed development and those who currently utilise the existing garages for parking. Of the 15 proposed spaces, 9 spaces are proposed for the new development and 6 would be re-provided for the use of the existing users to accommodate existing/future non-development parking and to ensure that parking is not displaced onto local highways. In addition, 3 of these spaces would contain electric charging points which are equivalent to the 20% requirement. The Council's Traffic and Development service have commented that they are satisfied with the loss of existing garages and proposed parking arrangements and sufficient cycle parking is also provided within the site. The addition of an electric gate at the front of the site does not raise any concerns as any vehicle entering the site can wait off the public highway.

Other issues

The applicant has submitted a tree survey and reports that no tree removal is required and all trees can be protected by careful construction methods. The proposed buildings have been set back from the south boundary to avoid impacting on the roots of existing trees in neighbouring back gardens. Improved landscaping is proposed to the front of the site. Overall this is considered to be acceptable by officers.

In terms of accessibility, there is proposed level access to the shared entrance and step-free access to all the dwellings. All the six upper level flats and two houses are designed to Building Regulations M4(2) accessible & Adaptable standard. A single wheelchair user flat, designed to M4(3) standard is located at the ground floor of the central building. This will be conditioned to ensure that this is provided.

The Sustainability report submitted concludes that the dwellings will achieve a 3.64% reduction in emissions over what is required by building regulations.

5.4 Response to Public Consultation

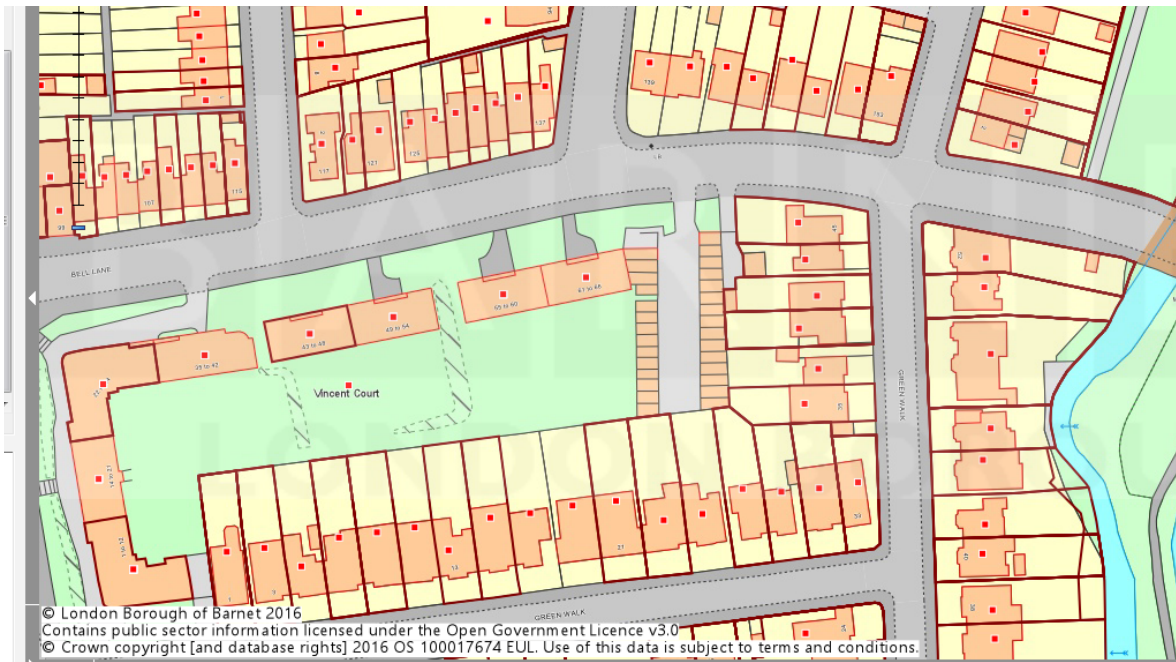
All the issues raised have been addressed in the assessment of the submitted information. Amendments have been submitted at the request of officers in order to improve the overall design and to reduce the impact on neighbouring residential amenity. Officers are satisfied that the proposal development complies with all the relevant policies. The Council's Traffic and Development Service is satisfied that the principle of the loss of the existing garages can be accepted and that sufficient parking is provided for the existing users and new occupiers. The proposed development will not involve the loss of trees.

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 the proposed development would be an appropriate addition within the site and would not have a detrimental impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. Overall, the proposed development would help contribute towards Barnet's housing stock. This application is therefore recommended for approval.



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