

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 19TH JANUARY, 2017

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.

Andrew Charlwood – Head of Governance

Governance Service contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	3 - 6
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
6.	Stoneways Tenterden Grove London NW4 1SX - 16/6364/FUL	7 - 28
7.	6B Bertram Road London NW4 3PN - 16/6621/RCU	29 - 34
8.	Planning Enforcement Quarterly Update October 2016 to December 2016	35 - 40
9.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

7 December 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Sury Khatri
Councillor Hugh Rayner

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

The minutes of the meeting that was held on 2 November 2016 was signed as an accurate record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Claire Farrier. An apology of lateness was received from Councillor Charlie O-Macauley.

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

Councillor Hugh Rayner declared a non-pecuniary interest. Councillor Rayner stated that he lived in Edgware and near the site location. Councillor Rayne took part in the consideration and voting process.

4. 5 LAWRENCE GARDENS LONDON NW7 4JU

The Committee considered the report and the oral representations from Mr Philip Winter and Graham Bromwich who spoke in objection, and a response from the applicant's agent.

The Chairman put the application to the vote in favour of the Officers recommendations to approve the application which received 1 vote in favour. The Chairman requested a show of hands to overturn the Officer's recommendation and therefore voted to refuse the application. This received 5 votes and one Member abstained.

The Committee therefore agreed to overturn the Officer's recommendation and refused the application for the following 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).

5. 49 - 51 MANOR PARK CRESCENT EDGWARE HA8 7LY

The Committee noted the addendum to the Officer's report which was circulated.

Having considered the report and the oral representations from Mr Godfrey Dyan who spoke in objection, Mr McIntosh who spoke in support of the application, and a response from the applicant's agent the Committee resolved to:

Approved the application subject to inclusion of amendments to conditions to secure safeguards against noise from potentially harmful amenity impacts arising from use of the basement subject to conditions and informatives as set out in the report and with the additional condition(s) found below

Vote:

For 3

Against – 2

Abstained 2

The Chairman moved that the following conditions be added which was agreed by the Committee which included:

Amendment to recommendation III through addendum to correct the date that the unilateral undertaking needs to be complete by.

- The D1/D2 floorspace hereby approved shall cease use be completely vacated by members of the public and staff by no later than 23.00 on any day.

Reason: To ensure that the use of the proposed community floorspace (use class D1/D2) does not give rise to an unacceptable level of harm to residential amenity by way of its operation and the dispersal of users of the premises. Policies DM01, DM02 and DM13 of the Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS10 of the Local Plan Core Strategy (2012).

- The committee agreed to delegate responsibility to the Chief Planning Officer to approve the number of people on site at any time in association with the D1/D2 floorspace hereby approved. Once agreed the Chief Planning Officer will communicate the position to the Committee.

Reason: To ensure that the use of the proposed community floorspace (use class D1/D2) does not give rise to an unacceptable level of harm to residential amenity by way of its operation. Policies DM01, DM02 and DM13 of the Local Plan Development Management Policies DPD (2012) and policies CS1, CS NPPF and CS10 of the Local Plan Core Strategy (2012).

- No amplified noise, music or sound shall be audible outside of the premises hereby approved.

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

Prior to the first occupation and use of the development, a site management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the proposed with the details hereby approved.

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

6. VINCENT COURT BELL LANE LONDON NW4 2AN

Having considered the report and the oral representations from Mr Adam Savitz who spoke in objection and a response from the applicant's agent the Committee resolved to:

Refused the application and in doing so the Committee therefore overturned the Officer's recommendations. The application was refused as set out below.

The Chairman put the application to the vote in favour of the Officers recommendations to approve the application which received 3 votes in favour. The Chairman requested a show of hands to overturn the Officer's recommendation and therefore vote to refuse the application. This received 3 votes and one Member abstained. The Governance Officer in attendance stated that the vote was drawn and further stated that the Chairman was able to use a casting vote. The Chairman confirmed that the application be refused and moved the following reasons which the Committee agreed.

The proposed development by virtue of its size, scale, bulk and massing as well as its proximity to the boundary of neighbouring properties in Green Walk would be harmful to the character and appearance of the site and the wider area as well as the amenity of the occupiers of adjoining residential occupiers. As such, the proposed development would be contrary to policies DM01 and DM02 of the Local Plan Development Management

Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012).

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

There were no urgent items.

The meeting finished at 8.06 pm

Location **Stoneways Tenterden Grove London NW4 1SX**

Reference: **16/6364/FUL**

Received: 30th September 2016

Accepted: 6th October 2016

Ward: Hendon

Expiry 1st December 2016

Applicant: Ms Eva Greenspan

Proposal: Demolition of the existing detached house and erection a two storey building to provide 7no self-contained flats. Associated underground parking, cycle store, amenity space, refuse and recycling

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

- A1.03_PR (first floor plan)
- A1.04_PR (second floor plan)
- A1.05_PR (roof plan)
- A2.01_PR (front elevation)
- A2.02_PR (flank wall towards 1-9 Mills Grove)
- A2.03_PR (rear elevation)
- A2.04_PR (flank wall towards 19 Tenterden Grove)

all dated 22/09/2016; and

- A1.00_PR rev. B (block plan)
- A1.01_PR rev. B (basement plan)
- A1.02_PR rev. B (ground floor plan)
- A5.01_PR (intensive roof detail)

all dated 30/11/2016.

Sustainability and energy statement (Greenspan and Koenig); AIA (Landmark Trees); Daylight and sunlight assessment (Right of Light Consulting); Landscaping statement (Concept); Design and access statement (Scenario Architecture); Planning Statement (Savills); Transport Statement (Paul Mew associates).

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 including its eaves, roof height, finished constructed roof for Unit 1 and landscaping / green roof over that roof, balconies and finished floor levels, forecourt, footpaths and rear garden levels in relation to the adjoining land, and any other changes proposed in the levels of the site, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 4 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 2016.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2016.

6 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

7 a) No development other than demolition work shall take place unless and until a Drainage Strategy including an assessment of existing ground water levels and details of all drainage / Sustainable Urban Drainage System works to be carried out in respect of the development have been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2016.

8 a) Notwithstanding the details shown on the approved plans, the balconies to units 5 and 7 shall be fitted with privacy screens at each end

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

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

9 a) No development shall commence until amended drawings have been submitted to and approved in writing by the Local Planning Authority of boundary treatment at the front of the site adjacent to 1-9 Mills Close, to include a brick wall to be built of the same brick to be used in the main building in addition to vegetation within planter boxes as shown on the submitted layout plan.

b) The development shall not be occupied until the boundary treatment in (a) above has been constructed, and until boundary treatment has been provided around the other site boundaries in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

c) The development shall thereafter be implemented and retained in accordance with the approved details.

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

10 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the surroundings pending satisfactory redevelopment of the site in accordance with Policies CS and CS05 NPPF of the Local Plan Core Strategy DPD (adopted September 2012).

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

i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan 2016.

- 12 a) The proposed green roof over the basement flat shall be constructed in accordance with the details shown on approved drawing no. A5.01_PR (intensive roof detail) along with details of plant species and planting densities which shall first have been submitted to and approved in writing by the Local Planning Authority in accordance with condition 5 (hard and soft landscaping) in this planning permission.
- b) The green roof shall be implemented in accordance with the approved details prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of

development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 13 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, including the appearance of any front gates, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 14 Before construction of the basement commences, details of the storage space and cycle storage system shall be submitted to and approved by the Local Planning Authority. The cycle store shall then be constructed in accordance with the approved details, and maintained as such and retained for cyclist use in connection with the approved development.

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

- 15 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing Nos. A1.00_PR and A1.01_PR shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 16 Before the permitted development is first occupied details of the refuse collection arrangements shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and retained as such.

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

17 (a) Prior to the occupation of the development, details of the appearance and luminosity of the exterior light signal, which shall be contained within a recess in the building or ramp retaining wall, must be submitted to and approval by the Local Planning Authority.

(b) Prior to the occupation of the development, a Maintenance Agreement for the operation of the signal controls for the ramped access must be submitted to and approval by the Local Planning Authority.

The approved details shall then be implemented and retained as part of the development.

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

18 Prior to the first occupation the approved development, confirmation shall have been submitted to and approved in writing by the Local Planning Authority that the carbon dioxide emission reduction measures set out in Section 5.6 of the SRE Sustainability & Energy Statement Version 1A submitted with the application, including photovoltaic installation which shall achieve an improvement of not less than 30% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations, have been fitted and are operational. The carbon dioxide reduction features shall then be maintained as such in perpetuity thereafter.

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

19 Prior to the first occupation the approved development, confirmation shall have been submitted to and approved in writing by the Local Planning Authority that the water saving measures set out in Section 3.2 of the SRE Sustainability & Energy Statement Version 1A submitted with the application, to limit water use to a maximum of 105 litres per occupier per day, have been fitted and are operational. The water saving features shall then be maintained as such in perpetuity thereafter.

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

- 20 Before the building hereby permitted is first occupied all of the proposed windows in both flank wall elevations at ground and first floor levels shall be glazed with obscure glass only to a height of no less than 1.8m above finished internal floor levels (FFL) and shall be permanently fixed shut with fanlights opening only, also to a height not less than 1.8m above FFL. The windows shall be permanently retained as such.

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 October 2016) and the Residential Design Guidance SPD (adopted October 2016).

- 21 Roof lights serving rooms in the second floor flats shall be set at a height of no less than 1.8m above finished internal floor levels (FFL), and shall be permanently retained as such.

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 October 2016) and the Residential Design Guidance SPD (adopted October 2016).

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

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 £19782.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £76302.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to

commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

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

- 3 If the development is carried out it will be necessary for 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 London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 4 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.
- 5 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.

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. 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.

- 6 The 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.

- 7 The applicant shall enter into a Section 278 Agreement with the Highways Authority, for any works required on the public highways including amendments to existing accesses as a result of the proposal.

Officer's Assessment

1. Site Description

The application site is a two storey detached single family dwelling sited towards the front of a relatively large plot with an overall site area of 0.18 hectare. The site tapers from a 24m wide street frontage to 10m wide at the rear boundary, over a plot length of 108m.

Side boundaries are shared with 19 Tenterden Grove, a large semi-detached property, and 16 Linfield Close on the site's south-western side, 13 and 14 Linfield Close at the rear and 1 - 14 Mills Grove along with its associated garages and access roads on its north-eastern side. The layout of the Mills Grove properties is as follows: 1-9 Mills Grove is a three-storey apartment building sited almost alongside the existing house at 'Stoneways' and having road frontage also to Tenterden Grove. Car parking and an access spur road divide this building from 10-13 Mills Grove which is a terrace of four two-storey houses at which the rear garden boundaries coincide with the side boundary at 'Stoneways'. To the rear of numbers 10-13, there is another access spur road and three garages, and finally number 14 is the end house in another terrace, where the side boundary is shared with the rear part of the application site.

Tree cover is a prominent feature of the site and its surroundings, although the trees are of greatly varying quality and importance. Along the street frontage, Council owned trees are covered by an area Tree Protection Order, and there is another area TPO adjacent to part of the south-western side boundary, at 16 Linfield Close although this does not directly affect the application site. There are also several individually protected trees adjacent to the other site boundary, one close to the road frontage of 1-9 Mills Grove and another in the side garden at 14 Mills Grove. Another TPO at the rear of 11 Mills Grove may have died or been removed. Other trees and hedges include a prominent Leyland cypress running almost the full length of the north-eastern side boundary with the Mills Grove properties noted above, and a mixed species of trees along the south-western boundary and close to the road frontage of the site. Along with a laurel hedge on the street frontage boundary, the latter screen the existing house in views from Tenterden Grove.

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

2. Site History

Reference: W05929

Decision: Lawful

Decision Date: 07/11/1978

Description: Alterations and additions.

3. Proposal

The proposals involve the replacement of the existing dwelling with a building containing 7no. flats and associated car parking. While designed in the form of a two-storey building, car parking and one 2-bedroom flat would be provided at basement level and there would also be accommodation within the roofspace to provide a second floor level with a further two 2-bedroom flats. The remaining four flats would each have 3 bedrooms, two at ground floor and two at first floor levels.

Car parking would consist of 10 spaces at basement level and two at ground level. The two existing access points would be retained, one to serve the basement car park and the second to serve the surface car parking area and in addition to provide pedestrian access. The existing hedge would be retained although it would be reduced in height.

4. Public Consultation

Consultation letters were sent to 111 neighbouring properties. One objection and three representations were received.

The objection raised the following issue:

Access along Tenterden Grove is currently appalling due to site traffic associated with two current developments, school traffic and daytime parking by non-residents. Another house turned into a multiple occupancy residence will make the situation worse. Restrictions to stop vehicles being left there all day should be put in place in conjunction with this application.

The other three letters also cited traffic problems on Tenterden Grove and raised the following additional issues:

- Some trees adjacent to site boundaries have grown excessively and should be reduced or removed
- Height of the development should be in line with the neighbouring houses
- The development should not block the light for neighbouring properties
- As the development will house many more people in comparison to the current single dwellinghouse it is essential that the privacy of adjacent the is fully maintained with appropriate fencing, trees and hedging.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM16, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. This SPD also includes both internal and outside space standards for new residential development.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable

- Whether the proposed development would have an acceptable impact on the character and appearance of the streetscene and general locality
- Whether the proposals would have an acceptable impact on the visual and residential amenities of future and neighbouring occupiers
- Whether the proposals would have an acceptable impact on trees of special amenity value
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impacts in terms of Sustainability and Environmental Issues
- The provision of local infrastructure.

5.3 Comments on the submitted proposals

Whether the principle of the development is acceptable

Demolition of the existing building

While the existing building is of some merit, the property is not in a Conservation Area and the dwelling is not listed. There is therefore no objection in principle to its demolition, provided that the replacement of similar or better design quality. While this is discussed in detail below, at this point it can be reported that the proposal is considered to achieve this.

Land Use

The surrounding area includes a mixture of detached and semi- detached houses and apartment buildings. While the majority of properties are single family dwellings, there are apartment buildings at Winsford Court, Newlands, Mills Grove and Miramar Lodge. The character of the area is therefore considered to be sufficiently mixed that the proposals would not harm the established character of the locality.

Density

The site is located in a suburban area and has a PTAL rating of 2. The London Plan advises that development should be within the range of 35-95 units and 150-250 habitable rooms per hectare. The density in this proposal equates to 39 units and 155 habitable rooms per hectare, which is within the acceptable range of densities in the London Plan.

Unit Mix

Policy DM08 of the Adopted Barnet Development Management Policies 2012 states that: *'Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. Priorities for market housing are homes with 4 bedrooms as the highest priority and 3 bedrooms as a medium priority.* The proposal would provide four three-bedroom units as well as three smaller units. It is considered that the provision of the four three-bedroom

units in place of a single larger house represents an acceptable contribution towards the provision of larger units.

Whether the proposed development would have an acceptable impact on the character and appearance of the streetscene and general locality

Layout

The proposed building while considerably larger in both footprint and height than the house to be replaced has been designed in the manner of a large detached dwelling, which is typical of the older houses in Tenterden Grove. Like the existing dwelling, it would be screened at the front by the existing retained hedge, and while trees including the Leyland cypresses along the boundary with Mills Grove properties would be removed, new vegetation along both side boundaries would provide an appropriate setting and softening of the built form. The large basement level flat would project well beyond the main building footprint into part of the existing rear garden area, but as most of this would be covered by a substantial green roof and in addition space for new vegetation is provided along both sides of this flat, the rearward projection of the basement flat to the rear of the main part of the building would not detract from the overall acceptability of the proposed layout.

However, while the front of the building would sit comfortably within the streetscape, the narrowing of the plot from front to rear, if built in exact accordance with the submitted drawings, would result in the separation between the proposed building and 19 Tenterden Grove narrowing to point where the rear corner of the widest part of the new building would be set on the boundary with only a minimal separation from the rear corner of the neighbouring dwelling. The proposal requires some further adjustment to allow the building to sit comfortably in relation to this neighbouring property, and this requires the rear wall of this element to be set further forward to provide a separation of at least 1m from this boundary. While part of the building would also be set on the boundary with 1-9 Mills Close, this is acceptable here because the neighbouring building is set further from this side boundary.

Scale/Massing

Proposed building height would be comparable to that of the properties to either side, 1-9 Mills Grove and 19 Tenterden Grove. These two neighbouring buildings are in contrasting styles, and as the proposed building is closer stylistically to number 19 this is the most appropriate reference in terms of setting a maximum building height for the proposal. Both the eaves and maximum roof would be higher than number 19, and in order to provide an acceptable transition to the blocked form at 1-9 Mills Grove, it will be important to ensure that the stepping-up in the heights of these features is moderate (this is likely to be no more than 25 cm). It will also be important to ensure that the constructed and green roof levels for Unit 1 (the basement flat) are appropriate in relation to ground levels to either side. Condition 3 (levels) as recommended below provides an appropriate means of achieving this.

External Appearance, including landscaping

As noted above the proposed design of the scheme includes features common to number 19 and a number of other larger houses on Tenterden Grove. While accommodation would be provided within the roof space, the building would form an acceptable addition to

the Tenterden Grove streetscene, subject however to the protection and retention of the existing vegetation identified above (the street frontage hedge, the protected street tree and also any other trees that can be retained at the front; please refer to further discussion on trees below). The ramp to the basement has been designed to incorporate an area of soft ground adjacent to the side boundary with number 19. It is noted that ramps to underground basements can form stark and uncharacteristically urban intrusions into suburban streetscapes such as that at Tenterden Grove (there is at least one nearby example which was approved under a previous planning framework), and care has therefore been taken here to ensure that the appearance of the ramp from the street frontage would be incorporated into the design to avoid a large void being apparent from the street frontage. This would be achieved by partially off-setting the ramp from the front entrance, incorporating a planted area adjacent to the side boundary that would be directly in view from the front entrance. In addition the use of appropriate materials for the wall retaining this planted area, using the same brick as the main building and control over the appearance of the gate would assist in this. The appearance of the ramp would be further softened by the new vegetation, which could include trailing plants to hang over the brick wall, as well as shrubs and small trees to give an upward vertical emphasis adjacent to the boundary with 19 Tenterden Grove.

On the other side of the front part of the property, in views across the front of 1-9 Mills Grove, some existing unprotected trees will be removed and in this part of the site, the proposed replacement vegetation relies on above ground planters and a fence. In order to provide a permanently acceptable appearance, it is considered that an alternative boundary treatment should be provided in the form of a brick wall, again using the same brick as the main building and the retaining wall noted above, with planters as shown in the proposals located inside the wall to allow vegetation to soften public views to this side of the development across the front of 1-Mills Grove. A management plan will be required in order to maintain the planting in this area, as recommended in condition 6 below.

There will also be public as well as private views to the rear of the building from Mills Grove. Incorporation of a basement level flat to be provided largely within an extension to the rear of the main building rather than beneath the building itself is an unusual feature of the scheme. A green roof will be provided along with planters, and as already noted the basement flat would be set in from both side boundaries to allow the incorporation of planting areas adjacent to the side boundaries. These would be similar to those described above in relation to the planted area between the basement ramp and the front part of the boundary with 19 Tenterden Grove. Taken together, these planted areas and the landscaping would ensure an appropriate garden setting for the development in views from the rear of 19 Tenterden Grove, from properties at Mills Court and from Mills Court itself. This is will be particularly important in the cases of 10-13 Mills Grove, the terrace of four houses where the rear boundaries are currently dominated by the row of Leyland cypress trees, which have become oversized for this location.

The presence of a sunken terrace to provide a private amenity space to the rear of the basement flat will require a reduction in rear garden levels in this area, and this would be made less abrupt by contouring the site back to natural ground levels to the rear of the terrace. While large open light wells and sunken terraces are generally resisted, as advised by the Residential Design Guidance SPD, the incorporation of the terrace into a larger landscaping scheme with the significant planted buffers around this part of the site avoids the abrupt change in levels that would be apparent from outside the site. This would make the sunken terrace an acceptable feature in this case.

With appropriate conditions to require the use of high quality materials and landscaping as recommended below, it is considered that the proposal will make a positive contribution to the street scene and the character of the surrounding area.

Neighbouring Amenities

Daylight/Sunlight

The applicant has submitted a daylight and sunlight report with respect to light impacts on the surrounding properties. It shows that windows and gardens in neighbouring properties would continue to receive at least the minimum levels of direct sunlight specified in Building Research Establishment (BRE) guidelines. It is noted that the small garden area to the rear of 1-9 Mills Grove would lose some direct sunlight, but it will continue to receive acceptable levels of sunlight, and the amendment in condition 8(i) would ensure that the building is not overdominant for this area.

Visual Impact

The proposed building would result in a building of considerable massing in close proximity to 1-9 Mills Grove and 19 Tenterden Grove, and it is considered that the adjustments noted above and in condition 8 would be required to make these impacts acceptable.

Privacy

The proposed scheme includes rear-facing balconies at upper floor levels. Distance from rear balcony serving Unit 7 at second floor level to rear windows at 10 Mills Grove would be 19m horizontally and 15m to the middle of the garden at that property. In order to ensure that there is no unacceptable overlooking of the neighbouring properties, it is considered that the roof level balcony should be deleted. This is provided for in condition 8.

As there would be windows adjacent to or on the side boundaries on both sides, windows will need to be obscure glazed and non-opening to a height of no less than 1.8m above finished floor levels. In addition, rooflights on side elevations at second floor level would also need to be set a minimum of 1.8m above the finished floor level. This would be achieved by conditions 20 and 21 as recommended below.

Noise/Disturbance

Taking into account the presence of similar blocks of flats in the area, it is not considered that the presence of additional residents would cause harmful additional noise and disturbance to neighbouring occupiers. Any potential impacts on the amenities of Tenterden Grove caused by the siting of the proposed basement ramp and associated vehicular movements has been mitigated by moving the ramp further from the boundary in the amended drawings now under consideration, and provision of the vegetation and screening in this area that is described above.

Amenities of future occupiers

Outlook and daylight

The applicant has also submitted a separate daylight and sunlight report, in support of the scheme for Unit 1. While not all windows in this flat would receive ideal levels of direct

sunlight, the proposed development satisfies the BRE direct sunlight to windows requirements and the size of the flat would provide a high level of amenity for this Unit.

Some of the side-facing windows in other units would be obscure glazed to prevent adverse impacts on the privacy of neighbours, or in the case of Units 6 and 7 (on the second floor) are served by rooflights. While this is not ideal the windows and rooflights are either secondary or serve third bedrooms or studies. Given the size of the flats it is considered that this situation would be acceptable.

Internal Space Standards

The internal space provision for the proposed flats all exceed the minimum requirements as set out in Table 3.3 at Policy 3.5 of the London Plan and in the LB of Barnet Sustainable Design and Construction SPD. While Flat 1 is basement level accommodation where outlook is limited, the overall internal accommodation is ample and natural light is provided through rooflights to where windows would not be provided.

External Amenity

The rear garden would provide an amenity space area for the units to use communally, and some of the flats would be provided with their own balconies and terraces. Condition 6 below will ensure that the area is adequately managed to provide this area on a permanent basis.

Whether the proposals would have an acceptable impact on trees of special amenity value

Street trees to the front of the site and, to the rear, at 16 Linfield Close, are subject to Tree Preservation Orders. While the proposals involve extensive work to the front forecourt in terms of levels changes to create the basement and ramp, the Council's Tree Officer has commented that the design of the basement is sufficient to ensure the future health and viability of the adjacent street tree. Condition 4 is recommended to ensure that other trees, which are not subject to the TPO, are also protected where possible during construction, and for replanting in the event of any future failures of retained trees and the hedge at this part of the property.

Trees at 16 Linfield Close would not be at any risk from the development, provided that tree protection is put in place adjacent to the boundary prior to the commencement of works and that root protection areas are taken into account in the landscaping of this part of the site. This will be achieved by conditions 4 and 9 as recommended below.

Sustainability and Environmental Issues

Policy 5.2 of the London Plan sets out requirements for minimising and eliminating carbon dioxide emissions from new buildings. As the proposal is defined as a minor development, the proposal is not required under this proposal to achieve zero carbon status. However, the Sustainability & Energy Statement submitted with the application shows that by using roof mounted photovoltaic panels further energy reductions over those required by building regulations of approximately 35% are achievable. While it is noted that the calculations appear to be based on a superseded design for the proposed development, which would have had a larger area of flat roof, it is apparent that a reduction of at least 30% should be

easily achievable, which would meet the Policy 5.2 requirements for smaller developments. Condition 18 below would achieve this.

Water use in the Statement is intended to meet London Plan standards which aim for maximum daily consumption of 105 litres per person. Condition 19 would secure this.

The site is located in a Critical Drainage Area. Details of a Sustainable Urban Drainage System will be required prior to the commencement of the development, as provided for in condition 7 below.

Highways Issues

The proposed vehicular access would be gated. An electronic gate and signal system will be required in order to ensure that there is no conflict between vehicles entering and exiting the site. This can be secured by condition 17 as recommended below.

The refuse store would be provided in the lower ground level and a refuse collection point therefore needs to be provided at ground level.

The number of car parking spaces provided is compliant with Policy DM17. A cycle store is shown at basement level, and in order to ensure that this is fully workable and accessible, further details are required to ensure that this area is fully compliant with Policy DM17 and the London Plan. Condition 14 and 15 will ensure that provision of both car and cycle parking / storage is available before occupation, and remains permanently available.

A number of issues have been raised in the objection and representations made for this application, which include suggestions for introducing parking restrictions to prevent commuter parking and to make Tenterden Grove one way. The highways officer has reviewed these letters and while the traffic problems in Tenterden Grove are acknowledged, the additional traffic generated by this development would not require any of the suggested changes.

Local infrastructure

The proposed scheme would be liable to provide towards Barnet and Mayoral Community Infrastructure Levy, based on the area of the new building.

Conclusions

Overall, the proposals are considered to be acceptable in terms of the impacts on the character and appearance of the area, impact on living conditions of future and neighbouring occupiers, and the impact on trees of special amenity value. Subject to conditions, the application is recommended for approval.

5.4 Response to Public Consultation

The issues raised in the single objection to the application and the three other comments received are addressed in the discussion within 5.3 of this 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 and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for Approval, subject to conditions.



Location **6B Bertram Road London NW4 3PN**

Reference: **16/6621/RCU**

Received: 14th October 2016

Accepted: 19th October 2016

Ward: West Hendon

Expiry 14th December 2016

Applicant: Ms Kavita Singh

Proposal: Erection of french doors with railings to create juliette balcony

AGENDA ITEM 7

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 6BBR01, 6BBR02, 6BBR03, 6BBR04, 6BBR05.

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.

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is a two storey mid terrace dwelling located on the eastern side of Bertram Road. The area is residential in character and predominantly consists of terraced properties.

The application site is not a listed building and does not lie within a Conservation Area.

2. Site History

Reference: H/04064/11

Address: 6B Bertram Road, London, NW4 3PN

Decision: Refused

Decision Date: 23 January 2012

Description: Installation of 2 rooflights to the front roofslope.

3. Proposal

Permission is sought for french doors with railings to create a juliette balcony, which have already been installed at first floor level on the rear elevation.

4. Public Consultation

Consultation letters were sent to 19 neighbouring properties.

12 responses have been received, comprising 9 letters of objection, 3 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Concerns raised over loss of privacy, security and direct access to neighbours flat roofs and gardens
- Overlooking the rear of properties within the vicinity of the application site

The representations received can be summarised as follows:

- Letters of support; The proposal provides fresh air, ventilation and light and does not interfere with views or result in loss of privacy
- The proposal is no wider than the original window and would not result in overlooking
- It would improve outlook and enhance the living conditions of occupiers of the property.
- There are many balconies on converted properties in the area and there is no roof access via the doors.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

The application includes the installation of french doors with railings to create juliette balcony. It is considered that the works compliment the existing character and design of the dwelling in terms of materials, design and finish and is subordinate to the main house complying with the Residential Design Guide SPD (2016) Section 7. During the site inspection, the existing first floor window had been replaced by french doors, which were no wider or higher than the original window. The design proposes the erection of french doors within the existing opening in the rear elevation and the installation of railings to create a juliette balcony. It is evident, that there are other balconies of a similar size and design on properties within the surrounding area. Therefore, the proposed design is not out of character with surrounding properties in the area.

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

It is not deemed that the french doors with railings to create a juliette balcony have any material impact on the existing amenity provision of the occupants of the neighbouring properties. No loss of outlook, natural light, security or privacy will be experienced by the neighbouring properties at no 4, 6A and 8 as the existing window is replaced by french doors which are no wider or higher than the original first floor rear window. Also, the view from the rear would remain the same as the existing situation because the proposal is no higher or wider than the existing rear window opening. Furthermore, the juliette balcony is positioned flush against the existing rear elevation of the building. Due to the fact, there are railings across the french doors, this will ensure the doors cannot open outwards and would not facilitate direct access onto the roof of the property. As such, the proposal would not result in any overlooking or overbearing impacts on the adjoining occupiers or neighbouring rear gardens or amenity areas.

Neighbouring properties were consulted and 9 objections were raised. The objections have been considered in the assessment section of the report. It is deemed that the french doors with railings to create a juliette balcony would not have an unacceptable adverse impact on the residential amenity of neighbouring occupiers. The proposal would therefore be recommended for approval.

5.4 Response to Public Consultation

Public consultation has been addressed in the assessment section of the report.

6. Equality and Diversity Issues

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

7. Conclusion

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



	<h2>Hendon Area Planning Committee</h2> <h3>19 January 2017</h3>
<p style="text-align: right;">Title</p>	<p>Planning Enforcement Quarterly Update October 2016 to December 2016</p>
<p style="text-align: right;">Report of</p>	<p>Interim Head of Development Management</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Fabien Gaudin - Interim Head of Development Management fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Summary

The report provides an overview of the planning enforcement function in the period between October and December 2016.

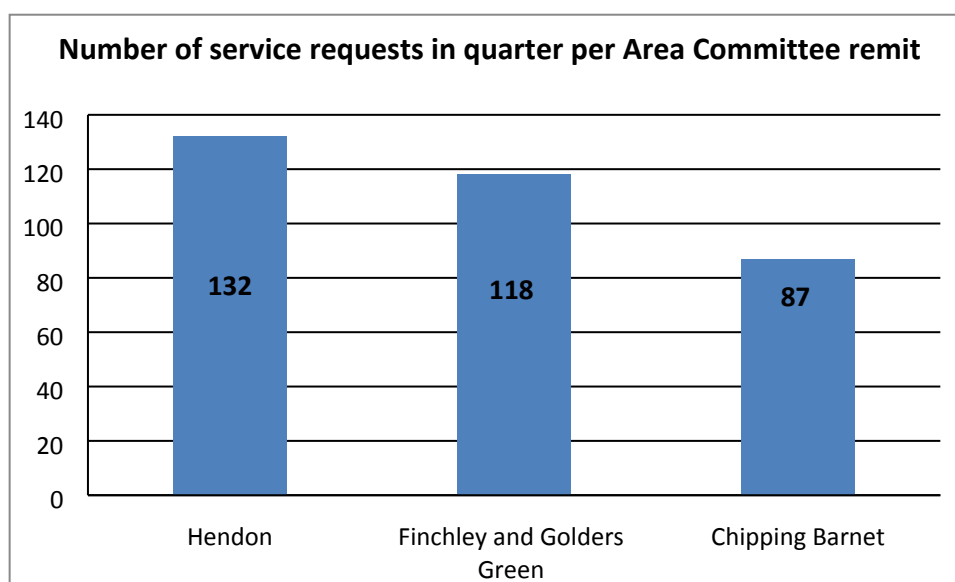
Recommendation

1. That the Committee note the Planning Enforcement Quarterly Update for the period of October to December 2016.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issued which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of October to December 2016.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.
- 1.3 Number of service requests

In the period between October and December 2016, 317 service requests were received, alleging potential breaches of planning control. The number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Hendon	
Ward	Number of service requests Oct-Dec 2016
Burnt Oak	12
Colindale	8
Edgware	18
Hale	15
Hendon	27
Mill Hill	25
West Hendon	27

Finchley and Golders Green	
Ward	Number of service requests Oct-Dec 2016
Childs Hill	36
East Finchley	9
Finchley Church End	10
Golders Green	20
Garden Suburb	11
West Finchley	13
Woodhouse	19

Chipping Barnet	
Ward	Number of service requests Oct-Dec 2016
Brunswick Park	17
Coppetts	12
East Barnet	8
High Barnet	14
Oakleigh	15
Totteridge	13
Underhill	8

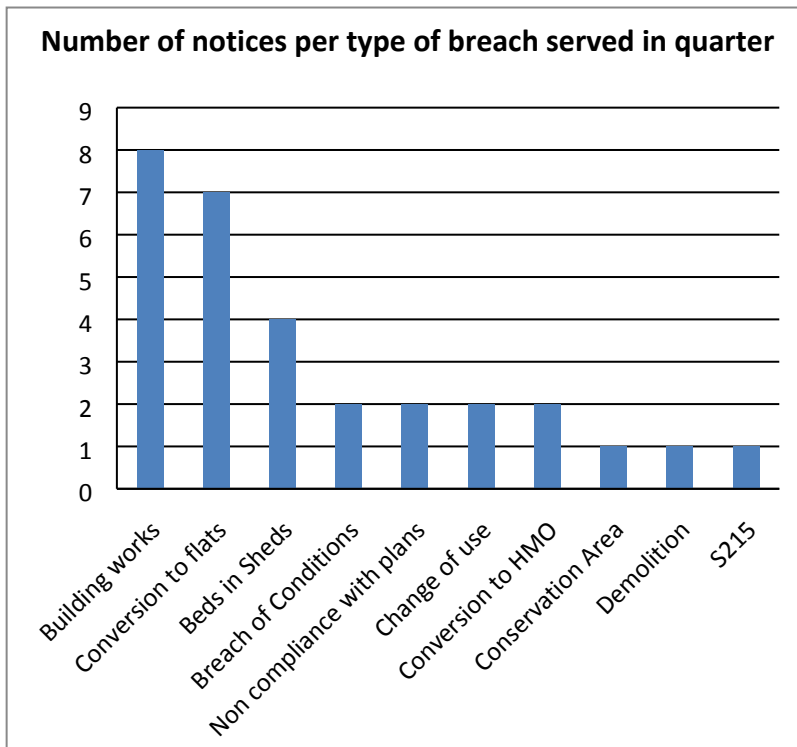
Future quarterly updates will show the evolution of number of requests quarter on quarter.

1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve on, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.3 shows details of such cases resolved in the period between October and December 2016

In the period between October and December 2016, 30 Enforcement Notices of all types were served. Whilst the majority of cases related to building works,

a significant proportion related to unlawful residential uses (flats, beds in sheds and HMOs).



1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between October and December 2016

	Number of cases closed
Full compliance following serving of enforcement notice	19
Informal compliance Works carried out and/or use ceased with breach resolved informally	76
Lawful development No breach of planning control was identified following investigation	130
Breach detected but harm insufficient to justify enforcement action	51
Total	276

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

1.6 Prosecution updates

Finchley and Golders Green

Two prosecutions in the Golders Green ward reached judgment in December – 279 Golders Green Road and 90 The Drive. Both cases concerned the sub-division of a property into multiple flats. However, in both instances the convictions are being challenged, with sentencing and the ‘Proceeds of Crime’ implications of the convictions being held in abeyance subject to the outcome.

The first hearing in the 42 Clifton Gardens deception case was heard in Willesden Magistrates’ Court on 20 December 2016. The council is applying for a ‘Planning Enforcement Order’ after evidence came to light that suggested the householder had actively deceived the Council as to the true nature of his use of the property during an earlier investigation. The case continues.

Discussions regarding the payment of £555,954.49 owed to the state following the judgment in 11 Quantock Gardens continue. The defendant had been ordered to pay the sum under the ‘Proceeds of Crime’ Procedure following his conviction for illegally sub-dividing his semi-detached property and his unsuccessful challenge in the Court of Appeal.

Sentencing in the case of 24 Llanvanor is expected to take place in early 2017 following the exchange of financial information between Council and defendant during the last quarter. The defendant’s conviction for failing to comply with a planning enforcement notice was upheld at Harrow Crown Court in August 2016

Hendon

On 6 December 2016 Kelly communications pleaded guilty to the charge of damaging the roots of 4 protected trees during the course of digging a trench for communications cables. The company was fined £3000 and ordered to pay the Council’s costs of £4398 and a victim surcharge of £120.

Chipping Barnet

In December a date of 10 January 2017 was been set for the hearing of the Stanryk House advertisement prosecution. The developer Relic Homes is charged with unlawfully displaying large advertisements on the hoarding which surrounds the site of their development at 38 Totteridge Village. Relic Homes had previously partially complied with officer requests to remove advertisements but officers’ considered that those that remained continued to cause significant detriment to the amenity of the conservation area.

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

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

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 None