

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 19TH JULY, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

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

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

Councillor Claire Farrier Councillor Gill Sargeant Councillor Hugh Rayner
Councillor Sury Khatri Councillor Agnes Slocombe

Substitute Members

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

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

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

Andrew Charlwood – Head of Governance

Governance Service contact: Faith Mwende faith.mwende@barnet.gov.uk 020 8359 4917

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)	
4.	Report of the Monitoring Officer (If any)	
5.	Planning Enforcement Quarterly Update - April 2017 to June 2017	9 - 16
6.	Addendum (if applicable)	
	Hendon Ward	
7.	141 Bell Lane, London, NW4 2AP - 17/1794/FUL	17 - 30
8.	Middlesex University, The Burroughs, NW4 4BT - 17/2701/S73	31 - 38
9.	97 - 101 Brent Street London NW4 2DY - 17/1372/FUL	39 - 52
10.	Spectrum House Hillview Gardens London NW4 2JR - 17/2261/FUL	53 - 76
	Hale Ward	
11.	47 Hale Lane - 17/2074/HSE	77 - 86
12.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

14 June 2017

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier
Councillor Sury Khatri
Councillor Hugh Rayner

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

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

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for lateness were received from Councillor Rayner, Councillor Khatri and Councillor Gordon.

3. DECLARATION OF MEMBERS' DISCLOSABLE AND PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the Addendum.

6. 80 THE GROVE EDGWARE HA8 9QB - 17/1065/FUL

The Planning Officer introduced the application, which related to 80 The Grove.

An oral representation in objection to the application was heard from Richard Conway.

An oral representation was made by a representative of the applicant, Alan Cox.

Following discussion the Chairman moved to vote on the recommendation in the cover report and addendum, which was to approve the application subject to conditions. As Councillor Rayner and Councillor Khatri entered the room during the discussion they did not participate in the vote.

Votes were recorded as follows:

For 3
Against 1
Abstain 0

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

7. 107 STATION ROAD LONDON NW4 4NT - 15/07483/FUL

The Planning Officer introduced the application, which related to 107 Station Road.

An oral representation in objection to the application was heard from Paul Daughters.

An oral representation was made by the applicant, Martin Ogiogwa.

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

The committee will write to the Director of Adults Social Care in Barnet, highlighting the concerns raised by local residents regarding the management of the residential social care provided by the applicant, and asking for a review to establish the factual situation at the care home and appropriate steps to address the concerns including writing to CQC should it be necessary.

The Chairman then moved to vote on the recommendation in the cover report and addendum, which was to approve the application subject to the conditions. As Councillor Gordon entered the room during the discussion he did not participate in the vote.

Votes were recorded as follows:

For 5
Against 1
Abstain 0

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

8. BELMONT FARM THE RIDGEWAY LONDON NW7 1QT - 17/1982/FUL

The Planning Officer introduced the application, which related to Belmont Farm and clarified the amendments regarding the s106 agreements on the addendum.

An oral representation in objection to the application was heard from Ellena Neophytou.

An oral representation in support of the application was heard from John Gillett.

Following discussion of the item the Chairman moved to vote on the recommendation in the cover report and addendum, which was to approve the application subject to the conditions.

Votes were recorded as follows:

For 5

Against 2
Abstain 0

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

9. 4 RUNDELL CRESCENT LONDON NW4 3BP - 17/2288/FUL

The Planning Officer introduced the application, which related to 4 Rundell Crescent.

No speakers made representations in regard to this application.

Following discussion of the item the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to the conditions.

Votes were recorded as follows:

For 7
Against 0
Abstain 0

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

10. 16 DOWNAGE LONDON NW4 1AH - 16/7140/HSE

This item was called in by the Chairman to ensure that a transparent decision was made by the Committee in public. The Planning Officer introduced the application, which related to 16 Downage.

An oral representation was made by the applicant's architect, Mark Young.

Following discussion of the item the Chairman then moved to vote on the recommendation in the cover report and addendum, which was to refuse the application.

Votes were recorded as follows:

For 5
Against 0
Abstain 2

The Committee therefore RESOLVED to REFUSE the application as per the reasons on the officer's report and addendum.

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

None.

The meeting finished at 9.20 pm

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	<h2>Hendon Area Planning Committee</h2> <h3>19th July 2017</h3>
Title	Planning Enforcement Quarterly Update April 2017 to June 2017
Report of	Head of Development Management
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Fabien Gaudin, fabien.gaudin@barnet.gov.uk , 020 8359 4258

Summary

The report provides an overview of the planning enforcement function in the period between April 2017 and June 2017.

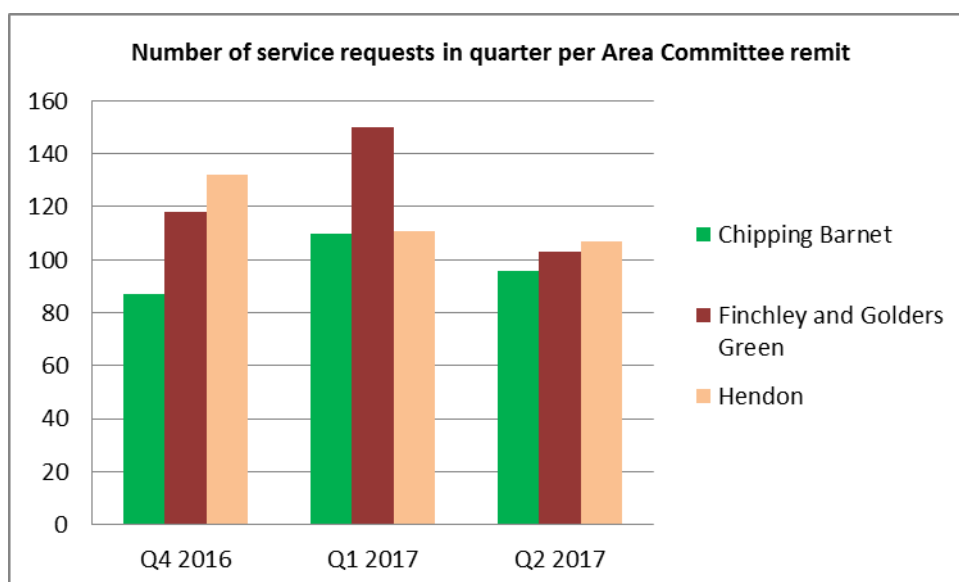
Recommendation

1. That the Committee note the Planning Enforcement Quarterly Update for the period of April 2017 to June 2017.

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 April to June 2017.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.
- 1.3 Number of service requests

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



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

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

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

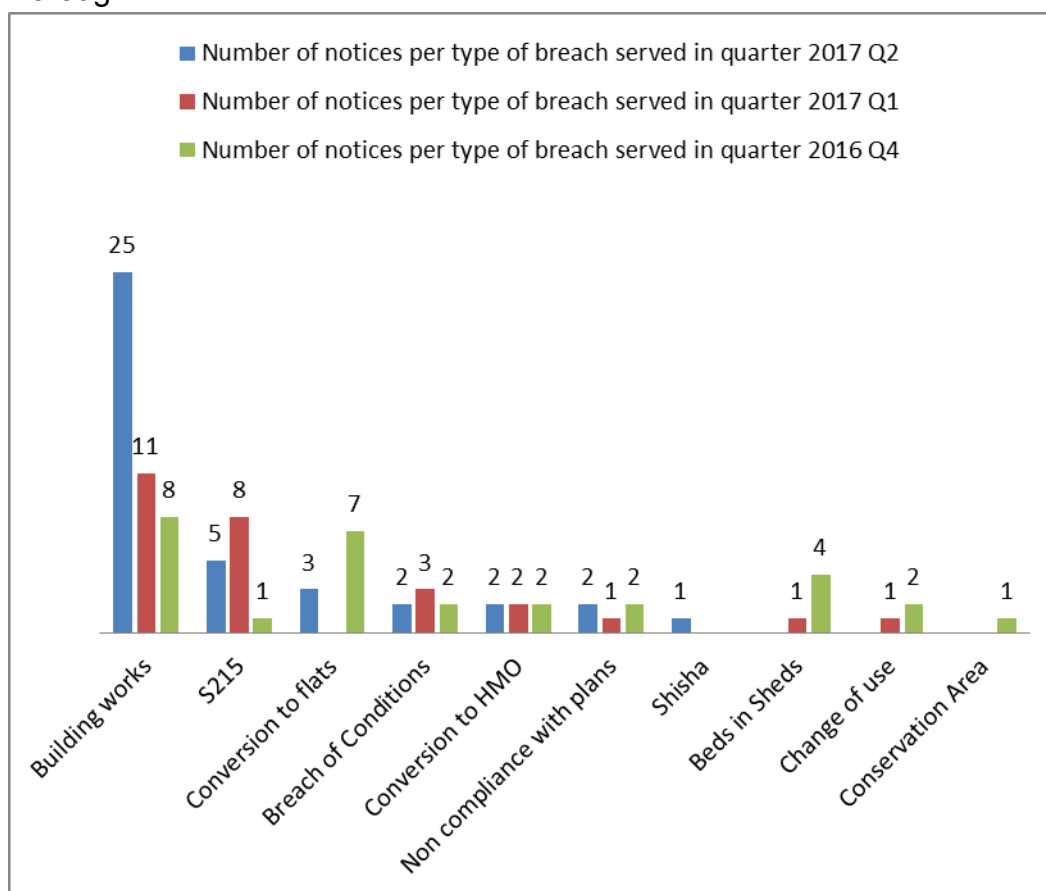
Future quarterly updates will show the evolution of number of requests quarter on quarter

1.4 Formal Enforcement Action

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

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

continue to constitute the most common type of notices served across the Borough.



1.5 Case Closed and Investigation Conclusion

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

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

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

1.6 Direct Action

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

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

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

1.7 Notable cases updates

Finchley and Golders Green

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

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

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

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

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

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

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

Hendon

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

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

Chipping Barnet

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

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

Borough-wide

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

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

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

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 None

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Location **141 Bell Lane London NW4 2AP**

Reference: **17/1794/FUL**

Received: 20th March 2017

Accepted: 21st March 2017

Ward: Hendon

Expiry 16th May 2017

Applicant: Bell Lane (Hendon) Ltd

Proposal: Part single, part two storey rear extension with gable end and pitched roof over, two rooflights one to front elevation and one to the rear elevation to provide one additional self-contained residential unit.
Demolition and rebuilding of existing garage to rear garden.
Associated parking space to front.

AGENDA ITEM 7

Recommendation: Refuse

- 1 The proposed two storey rear extension would by reason of its design, siting, size and scale, represent a poor form of development, failing to be subordinate and sympathetic to the existing building and an overdevelopment of the site that would be out of keeping with and harmful to the character and appearance of the original building, and the wider area, contrary to policies 7.4 and 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2012).
- 2 The proposed development would by virtue of the proposed two storey rear extension create an overbearing and harmful dominant impact on the visual amenity and outlook for the occupiers of the neighbouring property at 139 Bell Lane. As such the proposed development would be contrary to Policy 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).
- 3 The proposed first and second floor flat would fail to be provided with insufficient floorspace which combined with the sloping ceiling in the roof space would constitute a substandard level of accommodation. In addition, the proposed extension would give rise to a sense of enclosure and overbearing impact to the outlook from the rear windows adjacent to 139 Bell Lane. As such the proposed development would be contrary to Policy 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).

Informative(s):

- 1 The plans accompanying this application are:

7974/111a; 7974/101; 7974 SLP; Planning Statement; Design and access statement.

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

Officer's Assessment

1. Site Description

The application site is a semi detached building which is currently separated into 2no flats. The site is located on the north side of Bell Lane close to the junction with Hillview Gardens. The area is predominantly residential in character, however, a significant proportion of the buildings in Bell Lane have been converted into two flats.

The neighbouring property at 143 Bell Lane has been extended by way of a hip to gable extension with rear dormer.

The building is not located in a conservation area, or one with additional planning control.

2. Site History

Ref: 16/7925/FUL

Description: Roof extension involving hip to gable, rear dormer window, 1no. rooflight to front elevation to provide 1no additional self-contained unit. Part single, part two storey rear extension. Demolition and rebuilding of existing garage to rear garden. Associated parking space

Decision: Refused

Decision date: 03 March 2017

1. The combined effect of the proposed extensions would by reason of their design, siting, size and scale, represent a poor form of development and an overdevelopment of the site that would be out of keeping with and harmful to the character and appearance of the original building, the pair of semi-detached properties and wider area, contrary to policies 7.4 and 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2012).

The refusal of this planning application has been appealed and the Planning Inspectorate has determined the appeal. The appeal has been dismissed. The Inspector considered that the two storey flat roof rear extension, along with the dormer and hip to gable appear large and bulky and highly conspicuous within the locality.

3. Proposal

The proposal is construct a part single part two storey rear extension, as well as the addition of two rooflights - one to the front and one to the rear facing roof slope. The extension ground floor rear extension would have a depth of 3m and a width of 6.7m. It would be sited 1.2m away from the neighbours at 139 Bell Lane.

The first floor part of the rear extension would be set in from the flank wall of the ground floor extension by approximately 0.5m, and would have a width of 5.5m. The roof of the extension would be pitched, presenting a rear facing pitched roof gable. The ridge of the extension would have a height of 9.1m (eaves 5.7m), which is the same as the roof of the host building.

The proposal would involve the enlargement of the two existing flats and the creation of an additional flat which would be located on the first floor and in the roof space.

The flats would provide the following gross internal floor area:

Ground Floor Flat 1 - 79 m² (three bedroom four persons)

First Floor Flat 2 - 41 m² (one person)

Second floor Flat 3 - 73 m² (two bedroom four persons)

As part of the application it is proposed to the garage at the rear of the building to facilitate 1no parking space.

4. Public Consultation

The application has been called in by the Chair of the Hendon Planning Committee, Councillor Maureen Braun.

Consultation letters were sent to 67 neighbouring properties.

3no comments of objection have been received setting out the following issues:

- o The plans are incorrect,
- o The scheme constitutes overdevelopment
- o Parking and access is constrained.
- o The scheme would create traffic that would be harmful to pedestrian safety.
- o The overdevelopment would constitute harm to quality of life.
- o The noise impact from the overintensification of the development

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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

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

Supplementary Planning Documents

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.

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 extension 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.
- Notes that the conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions can harm the character of areas by increasing activity, with increasing activity resulting in more

people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

- Conversion proposals are likely to be resisted in areas of low density where predominantly there are single family occupation houses.

5.2 Main issues for consideration

The main issues for consideration in this case are:

The main issues for consideration in this case are:

- Whether the principle of flatted development is acceptable and would have an acceptable impact on the character and appearance of the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal would have an acceptable impact on parking.

5.3 Assessment of proposals

Impact on the character and appearance of the area

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

Policy CS5 of Barnet's Core Strategy outlines that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve and enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Amendments have been made to the rear extension proposed. In the previous submission made under application reference 16/7925/FUL the extension proposed a hip to gable roof extension, and a two storey flat roof rear extension. In that case, officers considered that the extension work proposed under that application would represent a poor form of development which would have a significant detrimental impact on the character and appearance of the area.

It is considered that amendments which include the retention of the sloping hipped roof at the side of the building helps to reduced the impact that the extension would have on street scene.

However, the projection of the two storey rear extension (by a depth of 3.0m at both ground floor and first floor) is considered to be of excessive size insofar as it occupies most of the rear elevation of the existing building with an inset of 1m at ground floor from the boundary with 139 Bell Lane and 2m from the first floor at the same boundary. It would have a 1m inset from the edge of the property adjacent to 143 Bell Lane. Although the principle of a two storey rear extension is considered to be acceptable, it is considered that the width of this and the relationship with the existing property would be harmful to the

character and appearance of the building and the area, particularly taking into account its visibility from adjoining streets such as Hillview Gardens.

It is considered that the principle of flatted development at this location is supported. It is also considered that the proposal would not have a significant impact to the character and appearance of the site and surrounding street scene.

Impact the proposal would have on the amenities of neighbours and future occupiers

Taking into account the location of neighbouring extensions, it is not considered that the proposed extension would have a significant detrimental impact on the residential amenity of residents in neighbouring flats. It is considered that the increase in the intensity of the use of the site would not be significant in relation to increased noise and disturbance, or comings and goings from the site.

The proposed dwelling would fully comply with the nationally described space standard, which is the minimum residential space standard for new dwellings. London Plan Policy 3.5 (table 3.3) and the Sustainable Design and Construction SPD 2016. It is also considered that the layout and aspect provided would ensure that the development would provide sufficient light and outlook for future residents. Whilst the proposal would not afford residents with sufficient outdoor amenity space to comply with the Sustainable Design and Construction Guidance SPD (2016), taking into account the constrained urban location of the proposal, and the good transport links nearby, this would not significantly impact on the quality of the future accommodation for the new residents.

Taking the above into account the proposed dwelling would provide the required amount of daylight and sunlight to neighbouring occupiers. The therefore the development complies with the London Plan Policy 3.5 (table 3.3) and Policy DM02.

However, it is considered that its two storey height within close proximity to the boundary would result in an overbearing impact on the visual amenity of the occupiers of the neighbouring property at 139 Bell Lane and as such the proposed development is harmful to their amenity.

In respect of future occupier amenity, the proposed new (third) unit on the first and second floor would be of insufficient floor area. The new technical standard for internal unit sizes indicates that a one bed/two person unit over two floors should have an internal floor area of 58sq.m. The scheme is deficient by 6.0sq.m. In order to reduce the size of the extension to create a more sympathetic relationship between extension and dwelling would result in the creation of inferior unit sizes that would fail to comply with the requirements of the SPD and the technical guidance.

At ground floor it is considered that the projection would have an impact on the outlook to bedroom windows on the rear elevation at ground and first floor windows adjacent to the boundary with 139 Bell Lane.

Impact of the proposal on highway safety

No parking would be provided at this development, and the existing dwelling at the site does not have access to parking. The site is located in an area with a PTAL rating of PTAL 4, which highlights that it is within an area which has good access to public transport which would lessen the reliance on car travel.

Taking the above into account, it is considered that the proposal would have an acceptable impact on parking and on the highway.

Refuse storage would be located for each of the flats at the ground floor at the rear of the building. This is considered to be a suitable location for the store, and a condition will be added to ensure that this is adhered to.

5.4 Response to Public Consultation

Concerns raised have been discussed in the main body 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 the proposed development would have an unacceptable impact on the character and appearance of the area, and on the amenity of future and existing neighbours. The application is recommended for refusal.

Site Plan



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Appeal Decision

Site visit made on 6 June 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2017

Appeal Ref: APP/N5090/W/17/3171384
141 Bell Lane, Hendon, London NW4 2AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bell Lane (Hendon) Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/7925/FUL, dated 12 December 2016, was refused by notice dated 3 March 2017.
 - The development proposed is to convert and add an additional flat into the roof space with a new dormer to rear elevation with roof light and part one and part two storey rear extensions and 2 off street parking spaces to the front. The existing garage in the rear garden is to be demolished and rebuilt.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect the development would have on the character and appearance of the host property, the pair of semi-detached properties and the area.

Reasons

3. The appeal property forms one half of a pair of semi-detached buildings, each comprising two flats, and they have a symmetrical appearance to front and rear. Although their detailed design differs from that of neighbouring semi-detached properties on Bell Lane they have hipped roofs in common with many of the surrounding buildings.
4. The proposal would extend the ground and first floor flats with a two storey, flat roofed rear extension and add an additional flat at roof level, partly accommodated in a 'hip to gable' extension to the side of the roof and a flat roof dormer to the rear roof slope. The alterations to the rear would be conspicuous from Hillview Gardens viewed across the relatively open gardens to the rear of 139 Bell Lane and through the gap between the rear of that property and 87 Hillview Gardens.
5. The large, flat roofed rear extension would appear as a bulky and awkward feature to the rear as a result of its mass, scale, design and siting. This incongruous effect would be exacerbated by the bulky flat roof dormer which would be located above it, but offset from the upper storey of the rear extension. The replacement of the hipped end of the roof would make the

- appeal building appear noticeably unsymmetrical and unbalanced with No 139, as would the rear extensions.
6. Large rear dormers and 'hip to gable' roof extensions are present on a number of properties in the surrounding area. However, from my observations and noting those illustrated on the appellant's aerial photograph, some of the rear dormers are situated in less visible locations than the appeal proposal. Also, those dormers and 'hip to gable' extensions are not so prevalent as to appear as a defining or predominant feature of the area's roofscape, particularly that which exists on Bell Lane between Hillview Gardens and Kings Close. They have consequently not created a context within which the appeal proposal would sit comfortably.
 7. Nevertheless, the large dormer and gable end at 143 Bell Lane next door provide a context next to which the proposal would appear slightly less incongruous. However, the combined effect of this and the proposal would narrow the gap between the two at roof level, altering the relationship between the two pairs of semi-detached properties. Moreover, the alterations at No 143 serve to confirm the detrimental effects such alterations can have on a host property, a pair of semi-detached buildings and the area. The appellant has drawn my attention to a dormer on the gable of 151 Bell Lane but this is of a materially different design with a lower ridge and inset dormer cheek to the front. These other developments have not resulted in a roofscape within which the effects of the appeal proposal would be significantly diminished.
 8. Considered in the context of the host property, the pair of buildings of which it is a part and the wider streetscape, the combined effect of the proposals would have a harmful effect on their character and appearance. Whilst the proposal may not conflict with every one of their criteria it would nevertheless be contrary to London Plan Policies 7.4 and 7.6, Core Strategy¹ Policy CS5 and Development Management Policies² Policy DM01. Together these require development to protect and respect local character and context, and demonstrate high quality design.
 9. Furthermore the proposal would not accord with Council guidance³ which supports those policies. In particular this advises that 'hip to gable' extensions should not unbalance a pair of semi-detached properties, reduce the degree of visual separation between properties nor appear out of character within the streetscape. It goes on to advise that dormers should be subordinate features on the roof and not occupy more than half the width or depth of the roof slope, and that rear extensions should not look too bulky and prominent compared with the main building. The proposal would not comply with the National Planning Policy Framework's (the Framework) requirements that development is of high quality design which responds to local character.
 10. The proposal would have the benefit of providing an additional, single bedroom flat which would contribute to delivering a choice of homes in the area, which is an approach supported by national and development plan policies. However, these benefits would be limited as a result of only one additional unit being provided and would not outweigh the considerable harm the proposal would cause to character and appearance.

¹ Barnet's Local Plan (Core Strategy) Development Plan Document, 2012.

² Barnet's Local Plan (Development Management Policies) Development Plan Document, 2012

³ Local Plan Supplementary Planning Document: Residential Design Guidance, 2016.

Other Matters

11. The appellant contends that the proposals would be permitted development if the property was a house. However, even if the appellant is correct on his interpretation of the permitted development position, the property comprises two flats, as does the other property in the pair. Therefore such a theoretical scenario does not offer a compelling justification in favour of allowing the appeal. The appellant points out that the development has been designed to avoid negative effects on neighbouring occupiers and considers that it would accord with the development plan policies in that regard. However the absence of harm in this respect does not amount to a positive consideration in favour of the proposal.
12. I note that the Council's Delegated Report is contradictory to its reason for refusal. However, having considered this reason and the Council's statement, and for the reasons set out above, I do not concur with the Delegated Report's conclusions with regard to the proposal's effects on character and appearance.
13. When visiting the site I noted that a 'hip to gable' roof extension was under construction at 153 Bell Lane. However, this has not been referred to by either main parties and I have no details about this scheme nor the circumstances which led to its construction. I have consequently not given this any weight in reaching my conclusion.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, the proposal would harm the character and appearance of the host property, the pair of semi-detached properties and the area contrary to the development plan, supplementary guidance and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

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Location Middlesex University The Burroughs London NW4 4BT

Reference: 17/2701/S73

Received: 26th April 2017

Accepted: 26th April 2017

Ward: Hendon

Expiry 21st June 2017

Applicant: Middlesex University

Proposal: Variation to condition 4 (Floodlights) pursuant to planning permission H/06131/13 dated 06/03/2014 for `Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.` Amendment to include extension of operating time by one hour on Monday to Thursday, until 10:30pm

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

13001-05-01 - Site Location Plan; 13001-05-0901 Rev P1 - Existing Site Distances & Adjacencies

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

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

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

- 3 The materials to be used in the external surfaces of the new structures shall match those detailed in the Design and Access Statement.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 The use of the floodlights hereby permitted shall cease, and the floodlights be removed within three months of the date of failure to meet requirement (i) as outlined below:-

(i) within three months of implementation, a photometric test certificate showing that illuminated levels outlined within the approved documents have been achieved shall be submitted to and approved in writing by the Local Planning Authority and the floodlights and equipment hereby approved shall be retained on site thereafter in accordance with the approved details.

Reason: To ensure the protection of the amenities of the occupiers of surrounding dwellings in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 5 The floodlights hereby approved shall only be used between the hours of 08:00 and 22.30 on Mondays to Thursdays; 08:00 and 21.30 on Fridays and Saturdays and 08:00 to 19:00 on Sundays and Bank Holidays

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 6 To minimise the impact to neighbouring residential properties a lighting shield should be applied to the existing floodlights. Details of the lighting shield should be submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site relates to Middlesex University, located on the western side of The Burroughs in the Hendon ward.

The area is of mixed character with institutional, commercial and residential uses. This application relates to The Astro turf Sports Pitch located south of Sunnyfields Primary School and west of The Forum (The Burroughs Sports Club). Floodlights are already located in situ along the western perimeter of the sports pitch area and are currently in use.

2. Site History

Reference: H/06131/13

Address: Middlesex University, The Burroughs, London, NW4 4BT

Decision: Approved subject to conditions

Decision Date: 10 March 2014

Description: Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.

The decision including condition 4 which reads as follows:

The floodlights hereby approved shall only be used between the hours of 08.00 and 21.30 on Mondays to Saturdays, and 08.00 to 19.00 on Sundays and Bank Holidays.

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

3. Proposal

This application seeks consent for a variation to condition 4 (Floodlights) pursuant to planning permission H/06131/13 dated 06/03/2014 for `Provision of 16no. floodlights to existing sports pitch and construction of raised viewing deck with single storey storage underneath.`

The proposed amendment is for an extension of the floodlighting operating time by one hour on Monday to Thursday, until 10:30pm.

4. Public Consultation

24 consultation letters were sent to neighbouring properties.

5 objections have been received

The responses can be summarised as follows;

- Residential area
- Floodlights shine into bedrooms
- Noise disturbance
- University causes anti-social behaviour

Internal / other consultations:

Lighting: No objection
Environmental Health: No objection.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM13

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

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

5.3 Assessment of proposals

Policy DM01 states that development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.

This application seeks to extend the hours of use of the existing floodlights on Monday to Thursdays to 1030pm. It is not proposed to alter the existing floodlights which are located on the multipurpose games courts and measure 15 metres in height whilst the floodlights on the football pitches will measure 7 metres in height. The nearest residential property is located approximately 45m away.

The previous planning application (which is now being varied) was supported by technical information relation to lighting and light pollution. It argues that for effective use of sports pitches after dark approximately 200lux is required. The information provided at that time indicates that the floodlights are directional and do not lead to light pollution. Isolux levels were provided which indicate that the light levels reduce to approximately 2 -5 lux 25m distant from the lights. It should be noted that the distance from the lights to the nearest property is 45m and as such, harmful light pollution will not occur.

The previous permission gave consent to replace existing floodlights; the proposed replacements were to have shields and front cowls to the floodlights reduce unwanted light so as not to detrimentally impact on the amenities of neighbouring residential occupiers.

Informal discussions with the Environmental Health department have shown that no complaints have been received in regard to the University and more specifically the floodlighting.

Given the acceptable floodlight levels which have been established not to give rise to residential amenity harm, the additional hour of usage would be acceptable.

However, taking into account the objections raised by neighbouring residential occupiers a condition is suggested requiring details of the lighting shields applied to the existing floodlights to minimise any potential continued loss of amenity to neighbours occupiers.

The proposal is considered to be acceptable. 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. Subject to conditions the development is not considered to have an adverse impact on the amenities of neighbouring occupiers.

The variation to the condition to extend the time of use from 21.30 to 22.30 on Mondays to Thursdays, is considered to be appropriate and would accord with the guidance set out in the National Planning Policy Guidance in respect of the content and purpose.

This application is therefore recommended for approval.

5.4 Response to Public Consultation

The concerns raised are noted and a condition is suggested requiring lighting shields to be applied to the existing floodlights to minimise any potential continued loss of amenity to neighbours occupiers; details of the shields is required through the condition.

6. Equality and Diversity Issues

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

7. Conclusion

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

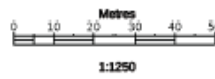
Site Plan



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THE BURROUGHS
LONDON
NW4 4BT

Supplied by: Stanfords
Reference: CH636385
Centre coordinates: 522540 189442

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Location 97 - 101 Brent Street London NW4 2DY

Reference: 17/1372/FUL

Received: 6th March 2017

Accepted: 15th March 2017

Ward: Hendon

Expiry 14th June 2017

Applicant: Brookacre Estates Limited

Proposal: Demolition of existing building. Erection of part four-storey, part five-storey building with retail unit at ground floor level. 10 residential units on upper floors. Undercroft parking, cycle storage, refuse and recycling storage.

AGENDA ITEM 9

Recommendation: Refuse

- 1 The proposed development by reason of its size, siting, height, design would result in an incongruous form of development that would be unduly bulky, visually obtrusive and would appear at odds with the established streetscene and would result in the overdevelopment of the site which would be inappropriate and out of context with the prevailing character of the area, 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 the Residential Design Guidance SPD (Adopted October 2016)
- 2 Insufficient residential car parking is provided onsite which would be likely to lead to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Informative(s):

- 1 The plans accompanying this application are: 100; 101; 102; 111; 112; 211; 213; 214; 210; 113; 002; 110; 702; 703; 700; 701; 704.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide

applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 3 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 £29085.00 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 £112185.00 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

The application has been called in at the request of Cllr Mark Shooter due to the important location of the site within Brent Street town centre.

1. Site Description

The application site relates to three units located at the end of terrace located on the corner with Foster Street. The building is two storeys in height with hipped roof. The units fall within the primary retail frontage of Brent Street with each of them being used as commercial premises at ground floor.

The terrace on the opposite side of Foster Street is a two storey building with hipped roof, which matches the application site.

The attached property (93-95 Brent Street) is three storeys in height with accommodation in the roofspace facilitated by dormer windows.

The rear of the site is served by Short Street.

The area is mixed in character comprising of commercial and residential units.

2. Site History

Reference: W14459B/07

Address: 97 Brent Street, London, NW4 2DY

Decision: Approved subject to conditions

Decision Date: 28 November 2007

Description: Demolition of existing building and erection of a four storey building (ground and three upper floors). The ground floor to comprise a retail unit. First, second and third floors as eight self contained flats.

Reference: W14459A/06

Address: 97 Brent Street, London, NW4 2DY

Decision: Approved subject to conditions

Decision Date: 8 December 2006

Description: Demolition of existing buildings and erection of a four-storey building (ground and three upper floors - top floor within the roof space) together with a basement car park. The ground floor to comprise a retail unit, the first and second floors as offices, and the third floor as three self contained flats.

Reference: W14459/06

Address: 97 Brent Street, London, NW4 2DY

Decision: Withdrawn

Decision Date: 27 July 2006

Description: Demolition of existing buildings and erection of a four-storey building (ground and three upper floors - top floor within the roof space) together with a basement car park. The ground floor to comprise a retail unit, the first and second floors as offices, and the third floor as three self contained flats.

3. Proposal

The application relates to the demolition of existing building. Erection of part four-storey, part five-storey building with retail unit at ground floor level. 10 residential units on upper floors. Undercroft parking, cycle storage, refuse and recycling storage.

The front of the building will align with the front building line of the neighbouring properties and will have a total depth of 28.45 at its deepest on the edge of Foster Street. The proposed building will have a stepped footprint to the rear. Closest to the point with the neighbouring building (Little House) the proposal will have a depth of 8.4m with an additional terrace measuring 1.85m set off the common boundary with Little House by 3.43m and a distance of 6.11m wall to wall from the neighbouring building.

The building steps out a further 10.79m at a distance of 8.45m from the common boundary.

Balconies are proposed on the rear and side elevation of the property.

The proposal will have a flat roof to a total height of 16.24m to the top of the fourth floor, the eaves will align with the neighbouring property.

The proposal will sit on the pavement line of Foster Street.

The proposal comprises of 310sqm retail space at ground floor and 10 self contained flats which are set out as three x 1 bed units, three x 2 bed units, three x 3 bed 5 person units and 1 x 3 bed 6 person unit.

4. Public Consultation

Consultation letters were sent to 85 neighbouring properties.

6 responses have been received, comprising 5 letters of objection, and 1 letter of comment.

The objections received can be summarised as follows:

- Impact on amenity - loss of light/daylight; outlook; overlooking onto blank wall; tunnelling effect.
- Extreme parking pressure
- Cycle parking will have an awkward access.
- Overdevelopment; should be set back.

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

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 property, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal will provide sufficient amenity for future occupiers.
- Whether harm would be caused to parking and traffic in the surrounding area.

5.3 Assessment of proposals

Planning permission has previously been granted at the site in December 2006 and July 2007 under applications W14459A/06 and W14459B/07.

W14459A/06 was approved for the demolition of existing buildings and erection of a four-storey building (ground and three upper floors - top floor within the roof space) together

with a basement car park. The ground floor to comprise a retail unit, the first and second floors as offices, and the third floor as three self contained flats.

W14459B/07 was approved for the demolition of existing building and erection of a four storey building (ground and three upper floors). The ground floor to comprise a retail unit. First, second and third floors as eight self contained flats.

The main differences between the earlier schemes and the current proposal are as follows:

- The 2006 application included the provision of office space at floors 1-2 and 3 residential units at 3rd floor. No office units are proposed under the current application.
- Increase in the number of residential units from 8 to 10 since the 2007 approval.
- Introduction of a part fifth floor level.
- The 2006 and 2007 applications did not see the building occupy the full depth of the site. The current proposal occupies the full depth of the site along Foster Street. The earlier applications provided a space between the building and Short Street to facilitate parking.
- 6 parking spaces were provided off street as part of the 2007 application for 8 residential units. This has now been reduced to 3 parking spaces for 10 residential units.

Impact on the character of the area

Land use

The proposal will retain the ground floor as retail comprising of 310sqm of retail floor space to provide one large retail unit. Given the town centre location of the site it is not considered that the amalgamation of the three units to provide one large retail will need to be subject to the sequential approach. The ground floor use is considered to be acceptable.

The upper floors of the site is proposed to be used as residential accommodation, this is a common use of the upper floors in the Brent Street town centre and is a suitable use. Therefore no objections are raised to the principle of residential accommodation.

A mixed use development in this town centre location is considered to be acceptable and appropriate. It should also be noted the mix of retail and residential has previously been granted under applications W14459A/06 and W14459B/07.

Character and appearance

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

The proposal will sit hard against the boundary line with Foster Street and will extend up four floors with an additional part fifth storey. The proposal by virtue of its building line and the overall height would appear overbearing when considered from Foster Street. It should be noted that the earlier approvals in 2006 and 2007 did not extend the full depth of the site as is now proposed and provided a set in at third floor level from the elevation on Foster Street and as such gave a perception of being

It is noted that the neighbouring property at 103 Brent is a two storey building with hipped roof that pitches away from Foster Street, this gives a degree of separation and allows the building to sit comfortably within the street context. Although, in principle an increase in height to match 93-95 Brent Street may be acceptable given the corner location of the application site and the design and height of the building it is not considered that the development sits comfortably within the site and would appear unduly bulky, visually obtrusive and overbearing.

The fifth floor element is considered to result in a poor design and would appear incongruous within the street context due to its overall height which will extend significantly above the established building heights of the parade of which it forms a part. The siting of the fifth floor is also considered to result in an awkward design. Although the neighbouring property Little House 93-95 Brent Street extends up four storeys it should be noted that the top floor of this building is with a pitched roof with dormer windows and as such the development reads as a three storey building with accommodation in the roofspace.

The fenestration detailing by reason of its design and the position of the windows in comparison to the neighbouring property in particular to the front elevation exacerbates the awkward design of the development. Although a more contemporary development is not considered unacceptable in principle, the design as existing appears jarring and would not replicate any design features of the established parade.

The ceiling height at ground floor is not consistent through the terrace and window detail reinforces the incongruous nature of the development. The fenestrations detailing should tie the unit in with the neighbouring property.

The proposed footprint which extends the full depth of the site along Foster Street in combination with its height is considered to result in an unduly form of development that is visually obtrusive when read from Foster Street.

The proposal by reason of its siting, footprint, height and design would result in an unduly form of development that would lead to a visually obtrusive and overbearing form of development that would appear at odds with the established character of the area. The proposed development fails to successfully bridge between the design of the neighbouring unit at 93-95 Brent Street which and 103 Brent Street.

Impact on the amenities of neighbours

Barnet's SPD Residential Design Guidance indicates that a distance of 10.5m should be maintained between habitable room windows and neighbouring gardens and 21m between facing habitable room windows. The proposal complies with this guidance in regards to rear facing windows as the nearest development is set some distance away. There are no side windows in the property at 103 Brent Street that would be impacted by the proposal including provision of new windows in the development.

The proposed development will follow the stepped footprint of the neighbouring unit and as such the proposal will be set further off the boundary as it projects deeper into the site. By virtue of the depth of the development and distances maintained to the nearest residential units at Little House, 95 Brent Street it is not considered that the proposal will result in any loss of amenity and would not appear overbearing.

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in close proximity to surrounding residential occupiers to an unacceptable degree. The site is within a town centre location where it is expected there would be additional movements than a more residential street.

By virtue of their scale, siting and design, would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties.

Amenity of future occupiers

The proposed works would result in the creation of 310sqm of retail space and 10 self contained flats. Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The proposed flats meet the minimum space standards as set out in the London Plan 2016 and would provide sufficient outlook and access to light for habitable rooms. Although some of the units are single aspect, it is considered that by virtue of the internal configuration that the units will have sufficient outlook and light.

Amenity space is limited to terraces at the upper floor levels. Notwithstanding, that the terraces are considered to be unacceptable in character terms they are considered to provide adequate external amenity provision. In addition, given the town centre location of the flats and the current arrangement of flats in the existing and surrounding properties not having access to outdoor garden space it is not considered that this would warrant a reason for refusal that could be upheld at appeal.

and parking

The site is located on Brent Street opposite the Sentinel Square, between Foster Street and New Brent Street NW4. There is a pelican crossing fronting the site on Brent Street. 3 parking spaces including a disabled parking space are proposed.

Payment parking is in operation in Brent Street from Monday to Saturday 9am to 5.30pm in the vicinity of the proposed development site.

Parking Assessment:

Residential use:

The assessment of parking provision for a residential development is based on Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable. However, for a PTAL Score at the lower end (say of 1 or 2) parking provision at the higher end of the council's parking policy range would be required. The PTAL Score for the site is calculated as 2 which is a poor accessibility.

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 2 and 3 bedroom units - 1.5 to 1.0 parking spaces per unit
For 1 bedroom units - 1.0 to less than 1 parking space per unit

Based on the above parking standards the parking requirement is calculated as follows.

3x2b = a range of (0.0 - 1.0) = 0.00 - 3.0 parking spaces required

3x2b = a range of (1.0 - 1.5) = 3.00 - 4.5 parking spaces required

4x3b = a range of (1.0 - 1.5) = 4.00 - 6.0 parking spaces required

This equates to a range of parking provision of 7.0 to 13.5 spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site. The site has PTAL rating of 2 which would require a parking provision of 12 parking spaces to accord with the Council's Parking Standards. Therefore the parking provision of 2 parking spaces falls short by 9 parking spaces.

Transport Assessment:

Transport Planning Associates appointed as consultants by the applicant undertook transport assessment.

Parking Beat Survey:

Parking Beat Survey was undertaken to ascertain the parking pressure on roads in the vicinity of the development. The survey was undertaken in accordance with Lambeth Methodology and the results of the survey indicated that there are sufficient parking spaces available in the vicinity of the development to cater for any likely over spill of parking.

However, the details submitted were incomplete as no drawing was submitted with the planning application showing the extent of the parking beat survey. Also as the site is located in the town centre location, the survey needs to be undertaken during the daytime and in the early evening when there is an overlap between the residents arriving home and the commercial operation.

Census Data Assessment:

The consultants under took assessment of the 2011 census data for Hendon which suggested that average car ownership for Hendon Ward is 67%. Therefore applying this to the proposed residential development the parking provision would need to be at least 7 parking spaces.

Retail Use:

The retail parking provision would need to accord with The London Plan Parking Standards as follows.

310m² of A1 Retail use is proposed on the ground floor.

For site with PTAL rating of 2 the following parking is required.

For Food Retail one parking space would need to be provided for 35m² GIA. This equates to 9 parking spaces.

For Non-Food Retail one parking space would need to be provided for 20m² GIA. This equates to 16 parking spaces. No parking spaces are provided for the retail use.

Taking into consideration the following:

The site is located in a town centre location;

The proposal is to marginally increase the existing retail use;

There is pay by phone parking available in the close proximity of the site.

Please Note: Contrary to the information included in the traffic consultants to the information submitted in the Transport Assessment the site is on the edge of the Controlled Parking Zone (CPZ) and not within the CPZ.

No Electrical Vehicle Charging Points are provided in accordance with The London Plan Parking Standards.

Conclusion on parking provision:**Residential parking provision:**

Notwithstanding the information submitted with the planning application, the proposal for the residential use falls significantly short on parking provision as majority of the units proposed are 2/3 bedroom units which would requires provision of at least one parking space in accordance with the DM17 Policy. Therefore the residential parking provision does not accord with the DM17 Policy.

Retail parking provision:

On balance the retail proposal without parking provision is acceptable on highway grounds.

Cycle Parking:

20 cycle parking spaces are being proposed for the new development and will be conditioned.

Access Arrangement:**Vehicular Access:**

The access to the parking spaces at the rear of the site is proposed from Short Street.

The proposed new crossover access of the public highway for three cars is too wide. A maximum width allowed would be 4.8 metres. The parking spaces should be separated so that there are two separate crossovers one of 2.4 metres and one of 4.8 metres which allow access for two car parking spaces directly of the public highway and with an up stand of 1.8 metres between the crossovers.

Any modifications to the existing access arrangement of the public highway would require the applicant to enter into an Agreement with the Highway Authority under S278 of the Highways Act.

Pedestrian and disabled access:

The pedestrian access residential use is from New Brent Street. However, the disabled parking space can only be accessed from Short Street which requires the disabled person to go round the corner partly walking on the carriageway as the footway on Short Street is approximately 0.6m wide which is not considered suitable for pedestrian use and therefore is not acceptable on highway grounds, therefore a direct pedestrian and disabled access needs to be provided directly from the building without requiring the pedestrians walk on to live carriageway for pedestrian and highway safety.

Public Transport Accessibility:

The site is accessible by bus services: 83, 143, 183, 240 and 326.

The nearest London Underground station is Hendon Central (Northern Line services) which is located 700 metres to the south west of the site.

Servicing/Refuse Arrangements:

A refuse collection point must be provided at ground level on a levelled surface within 10 metres of public highway, otherwise the applicant will be expected to bring the refuse bins to the back of the public highway on collection days.

Construction Management Plan:

A robust construction management plan needs to be provided and careful consideration must be given to the optimum route(s) for construction traffic and the Development Regulatory Services should be consulted in this respect.

Recommendation:

The application is recommended for refusal on highway grounds as follows:

Insufficient residential car parking is provided onsite which would be likely to lead to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Environmental Health Matters

The proposed development is considered to be acceptable on environmental health grounds subject to conditions.

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 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 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

All planning related matters are considered to be covered in the above appraisal. The traffic and development team have reviewed the application and consider that the proposal will have a harmful impact on the traffic and parking in the surrounding streets. The proposed development by virtue of the distance maintained and rearwards projection is not considered to result in harm to the neighbouring amenity.

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 fail to accord with the requirements of the Development Plan and is therefore recommended for refusal.

Site Plan



Location **Spectrum House Hillview Gardens London NW4 2JR**

Reference: **17/2261/FUL**

Received: 6th April 2017

AGENDA ITEM 10

Accepted: 11th April 2017

Ward: Hendon

Expiry 11th July 2017

Applicant: Crocus Field Ltd

Proposal: Demolition of existing buildings and redevelopment of the site to provide a part three-storey part two-storey residential building with basement parking area to provide 33 flats and associated private and communal amenity space. Provision of 34 car parking spaces.

Recommendation: Approve subject to conditions

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

6199-PL-001 (Location Plan)
6199-PL-002 B (Block Plan)
6199-PL-003 H (Site Plan)
6199-PL-004 J (Ground Floor Plan)
6199-PL-005 H (First Floor Plan)
6199-PL-006 H (Second Floor Plan)
6199-PL-008 E (Basement Plan)
6199-PL-009 G (Front & Rear Elevations)
6199-PL-010 G (North & South Elevations)

PL.0100 (Location and Block Plan)
PL.0101 (Existing Floor Plans)
PL.0102 (Existing Elevations)
PL.0103 (Existing Elevations)

Design and Access Statement (received 06.04.2017)
Drainage Strategy Report (received 11.04.2017)
Energy Statement (received 06.04.2017)
Geo-Environmental Desk Study / Preliminary Risk Assessment (received 06.04.2017)
Planning Statement (07.04.2017)
Planning Viability Assessment (received 06.04.2017)
Transport Statement (received 20.04.2017)
Utilities Statement (received 11.04.2017)

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

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

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

- 3 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) 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 occupied.

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

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

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

6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the occupation of the development, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

7 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 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).

9 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

10 Part 1

Before development commences other than for investigative work:

a) 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.

Qualitative Risk Assessment by Jomas Associates Ltd recommends further investigations.

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

b) 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

c) 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.

- 11 The development hereby approved shall not commence (other than demolition works) until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

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

- 12 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

- 13 Before the development hereby permitted is occupied the car parking spaces and the access to the parking area as shown on Drawing Nos. 6199-PL-008 Rev. E, 6199-PL-004 Rev. J 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.

- 14 The building shall not be occupied until the details of the vehicular access has been submitted to the highway authority for approval and shall only be constructed in accordance with the approved details.

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

- 15 Before the development hereby permitted is occupied details of the Electric Vehicle Charging Points with 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

- 16 Before the building hereby permitted is first occupied the proposed first floor window(s) in the west elevation facing the rear gardens of Albert Road 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).

- 17 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions

that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

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

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

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

- 19 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).

- 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.

- 21 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.

- 22 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 36.7% 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.

- 23 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 the proposed 3 flats (10%) 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.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £88,585 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 £341,685 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 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 2017. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide confirmation that an asbestos survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday,

8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- 5 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

- 6 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.

Noise Levels - For information

Please supply the following information for all extraction units (including air conditioning, refrigeration):

1. The proposed hours of use of the equipment.
 2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
 3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
 4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
 5. Distance away from noise
- 7 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
- 8 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.
- 9 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.
- 10 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Development and Regulatory Services, Barnet House, 1255 High Road, London N20 0EJ.
- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that

the Council's refuse collection department is consulted to agree a refuse collection arrangement.

- 12 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 13 The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

Officer's Assessment

1. Site Description

The application site comprises of part two and part three storey commercial buildings located on the western side of Hillview Gardens, within the ward of Hendon.

The buildings on site follow a broad 'T' shape footprint. Along the front of the site, there is a two- storey, brick-built building which occupies the majority of the width of the site and its current lawful use is as an office. The central element has a hipped pitched roof with flat-roof wings on either side. There is a small landscaped area between the front of the building and the public highway. Within the rear corner of the site, there is another office building of part two and part three storeys in height which sits on the immediate side and rear boundaries. Centrally at the rear of the site, there is a large warehouse building which has several stepped pitched roof elements, but has a similar height of the adjacent three storey office building and runs along the rear boundary with the garden of Albert Road.

All of the buildings on site are currently unoccupied. There is an existing vehicular access to the southern part of the site which runs between the existing buildings and no. 92 Hillview Gardens.

The area is characterised by two storey buildings, predominately residential houses, with flats at Vincent Court, Whiteways and college (Schaeller House) to the north.

2. Site History

Reference: 15/03198/FUL

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Approved following legal agreement

Decision Date: 1 March 2016

Description: Demolition of existing buildings and redevelopment of the site to provide a new three storey residential building with basement parking area to provide 27 flats and associated private amenity space

Reference: H/01429/14

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Prior Approval Required and Approved

Decision Date: 1 May 2014

Description: Change of use of buildings A and B from B1 office to C3 residential

Reference: H/05989/13

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Prior Approval Required and Refused

Decision Date: 11 February 2014

Description: Change of use from B1 office to C3 residential (23units)

3. Proposal

The proposal seeks the redevelopment of the site, following the demolition of the existing buildings, to provide a new three storey residential building with basement, comprising of 33 flats, off-street parking, and associated and communal amenity space.

The proposal is laid out in a 'T' shaped footprint, with a building across the front of the site, with a central rear projection. The front building would measure approximately 43m in width and a depth of 38m. The proposed finishing materials are a buff stock brick on the ground and first floors, metal cladding on the second floor and grey UPVC/aluminium windows. Amenity is proposed to be provided with a mixture of enclosed and external balconies and communal garden areas to the north-west and south-west corners. The siting of the access point remains at the southern part of the site and leads to a basement parking area containing 40 parking spaces, cycles spaces and refuse storage.

The proposal would provide 4 x 1 bedroom, 25 x 2 bedroom and 4 x 3 bedroom units.

The application has been amended from the original submission to include the following:

- Overall reduction in the width;
- Front elevation has been brought forward on the ground and first floors, with the second floor set back
- Reduction in depth of northern element on ground, first and second floor levels;
- Amendments to internal floorspace and external amenity space on western, second floor units;
- Flats G07 and F08 have been amended to provide dual aspect outlooks;
- Introduction of garage door;
- Replacement of enclosed balconies to the rear with external balconies;
- Additional parking spaces added; and
- Additional landscaping.

4. Public Consultation

Consultation letters were sent to 230 neighbouring properties. Following amendments submitted the application was subject to re-consultation.

46 responses have been received, comprising 45 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Overdevelopment of the site;
- Loss of employment;
- Development of 33 flats is not sustainable;
- Design and scale not in keeping with the character;
- Mix of proposed units is not appropriate;
- Overbearing and visually intrusive;
- Overlooking;
- Loss of privacy and sunlight;
- Noise pollution;
- Insufficient parking; and
- Lack of infrastructure.

The letter of support is summarised as follows:

- Proposed building does not look much bigger than planning permission that was granted for 27 flats;
- Additional parking should ensure there is no additional parking stress.

Consultation responses

Environmental Health - No objections subject to conditions
Local Flooding Authority - No objections subject to conditions
Traffic and Development - No objections subject to conditions

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, CS8, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17

Supplementary Planning Documents

Affordable Housing SPD (Adopted 2007)
Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of redevelopment and loss of employment floorspace;
- Affordable housing provision;
- 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;
- Provision of adequate accommodation for future occupiers;
- Highways issues;
- Any of other material considerations.

5.3 Assessment of proposals

Principle of development and loss of employment floorspace

Barnet Policy DM14 states that 'the loss of a B Class use will only be permitted where it can be demonstrated to the Council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.'

From the site history, it is noted that prior approval has been granted to convert part of the site to residential use under reference H/01429/14 for the conversion of the premises to 23 residential units. In 2015, under planning permission reference 15/03198/FUL to redevelop the site, a 'Sustainability Study for Continued Commercial Use' was submitted in support of the loss of the employment use. This report stated that the property had been marketed since 2008 and due to the site's location within a residential area; it is considered less attractive for commercial occupants. In its assessment, the Planning Authority accepted that active marketing had been undertaken and that there were a number of factors which would restrict the potential for future employment on this site. As such, the loss of employment was considered acceptable.

Taking into account that the loss of employment has been previously accepted under 15/03198/FUL, the current proposal is not considered to conflict with Barnet policy DM14.

Affordable housing provision

In accordance with Barnet policy DM10, new housing developments are required to provide 40% of affordable housing on site. Only in exceptional circumstances will a reduction in affordable housing be accepted. Where a reduction is sought, the Planning Authority will seek that a viability report is submitted to justify the reduction and that the report is independently assessed.

The applicant has provided a financial viability statement in support of the scheme which states that it is not viable for any affordable housing to be provided. This has been reviewed independently by DVS who commented that there were limited differences in the outcome of the two appraisals but confirmed that the site remains unviable. It is noted that the significant proportion of the build cost relates to the construction of the basement which has a significant impact on the site's viability. The independent review confirms that it is not viable for the proposals to provide affordable housing on the site.

Impact on the character and appearance of the existing site, streetscene and surrounding area

At present, the site consists of a two storey building across the front of the site, with a three storey building and a large warehouse sited at the rear. The area surrounding the application site mostly comprises of two-storey residential properties.

Redevelopment of the site for 27 flats was previously granted and therefore the proposed scheme for 33 flats is in principle considered to be acceptable subject to the proposal being found acceptable in other policy aspects.

Density

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 33 units with a total of approximately 96 habitable rooms. The site measures 0.2ha and the London plan would indicate an appropriate density of between 150-250 habitable rooms per hectare and 50-95 units per hectare. In this instance, the proposal would result in a density of approximately 480 hr/ha and 165 u/ha, which would be in excess of the London Plan standards. However, while the proposed figures are larger than the advised ranges, it is advised that this should not be applied mechanistically and should also take into account a number of considerations, such as local context, design, open space and transport capacity.

The proposal development would provide a mix of dwelling types, comprising 4 x 1 bedroom flats and 25 x 2 bedrooms flats and 4 x 3 bedroom houses. Planning Officers do not raise any significant issues with the proposed mix of units.

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.

Layout

The layout of the proposed scheme is considered to broadly follow the layout of the existing buildings with a main front element across the site and a central rear projection. The proportion of built form to open space/landscaping to considered to be acceptable and provides a suitable visual buffer.

The proposed front building line would be staggered between that of 92-94 Hillview Gardens and Whiteways and is considered to provide an appropriate transition within the streetscene.

Scale and massing

The proposal consists of a part two and part three storey building, with the third storey stepped back at the front and rear elevations. While the predominate character of the area

is two storeys, the site sits at a lower level compared to the surrounding adjacent sites, and allows for provision of a three storey building which sits at a lower level than the adjacent properties on Hillview Gardens. The properties at the rear on Albert Road also are at a significantly higher level than the site and when viewing the proposed section drawings illustrate that the proposed buildings would not appear out of context in terms of scale and massing compared to the existing buildings on site.

External appearance

The proposal consists of a flat roof building with brickwork on the ground and first floors, with metal cladding on the second floor. As the predominant material on site will be brick, this is considered to suitably allow the proposal to integrate successfully within the streetscene.

Whilst the proposed undercroft and basement ramp are not characteristic features of the area, the principle of a basement entrance has been accepted by the consented scheme. It was acknowledged that the basement parking was necessary to facilitate the development. In order to help visual integrate this element further, a garage door has been inserted.

Impact on neighbouring residential amenity

The privacy of existing developments should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Design solutions through layout of habitable rooms, window placement and building orientation should be used to address privacy and overlooking issues. Barnet policy DM01 advises that schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

In relation to the adjacent properties, given that the scale of the proposal would be no greater in height and the central rear projection being set away from the side boundaries by at least 10m, it is not considered that the proposal would have a harmful impact in terms of loss of light, outlook or overbearing on 92-94 Hillview Gardens, Whiteways or Schaeller House.

In terms of the impact on the properties on Albert Road to the rear, Planning Officers note the impact of the current buildings on site which are built along the shared boundary. These are to be demolished as part of the proposed development. In comparison to the existing impact of the current building, it is considered that the proposal is now less visually overbearing. The proposed second floor would be set back approximately 7-8m from the rear boundary. From the submitted section drawings, Planning Officers do not consider that the proposal would have an adverse overbearing impact or would result in a detrimental level of loss of light or outlook. Due to the site levels, the ground floor windows would lie below the rear boundaries of the Albert Road properties, the first floor windows would all be obscured glazing and the amenity areas on the second floor would be enclosed by privacy screens. For these reasons, Planning Officers do not consider that the proposal would create detrimental levels of overlooking.

The proposed access to the basement parking is located at the existing access point. In comparison to the commercial use of the access and potential of the associated vehicle movements, the proposed residential use and associated movements are considered to be a lesser impact.

Provision of adequate accommodation for future occupiers

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

Each of the units would be at least dual aspect, and 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. The proposal would provide 436sq.m of communal outdoor space and 147sq.m in the form of private balconies.

Highways issues

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

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	0.0 to 1.0 space per unit
For 2 and 3 bedroom units	1.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

4x1b	a range of 0.0 to 1.0	0.0 to 4.0 spaces required
25x2b	a range of 1.0 to 1.5	25.0 to 37.5 spaces required
4 x 3b	a range of 1.0 to 1.5	4.0 to 6 spaces required

This equates to a parking provision range of between 29.0 and 47.5 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 2 which is considered to be a moderate level of accessibility. The development originally proposed 34 car parking spaces but was increased to 40 during the application process. The Council's Traffic and Development service has commented that the proposed parking provision is in accordance with policy DM17.

62 cycle parking spaces are proposed and sited within the basement. The London Plan requires 1 space per studio/1 bedroom unit and 2 spaces for all other units. Based on the units proposed, a total of 62 spaces would be required. The proposal would meet this requirement.

The gradient for the ramped access to the car park is proposed as 1:8 with transition to 1:20 at the back of the footway which meets the highway requirements.

20% of Active and 20% of passive Electrical Vehicular Charging Points have to be provided in accordance with the London Plan requirements.

A previous proposal for 27 residential units under Ref. No. 15/03198/FUL was approved subject to conditions. The consultant have assessed the likely traffic impact of the additional six flats proposed on the site as per the submitted planning application above and concluded that the impact on public highway is likely to be minimal.

A new vehicular access is proposed from the public highway which will be subject to S278 of the Highways Act.

The refuse and recycling bins for the 33 dwellings are to be located in a designated store at basement level. A privately contracted management company is to be employed to take bring the bins up to the back of the footway and return them back to the basement on collection day. The bins are to be collected from the kerb side as part of the Council's usual refuse collection arrangement.

Any other material considerations

Sustainability

The Sustainability report submitted concludes that the dwellings will achieve a 36.7% reduction in emissions over what is required by building regulations.

The proposal would meet Part M4(2) of the Building Regulations for 90% of the development and Part M4(3) for 10% of the development, in accordance with the London Plan requirements.

5.4 Response to Public Consultation

- *Overdevelopment of the site* - While the proposed density of the scheme is high, on balance taking into account the existing buildings on site and compliance with all relevant policies, the proposal is not considered to be overdevelopment. A proposal of 27 units was previously considered to be acceptable.

- *Development of 33 flats is not sustainable* - proposal is located within a residential area. The majority of units are 2 bedroom and considered to be appropriate in the context of this location.

- *Design and scale not in keeping with the character* - Considered to be acceptable in this instance.

- *Mix of proposed units is not appropriate* - the proposal consists of 4 x 1 bed units, 25 x 2 bed units and 4 x 3 bed units. This is considered to be acceptable.

- *Overbearing and visually intrusive* - Proposal is considered to be less overbearing compared to existing buildings which are to be demolished.

- *Overlooking* - In relation to Albert Road properties, the proposed ground floor windows will be located below the boundary fence, the first floor windows will be conditioned to be obscured and the second floor balconies will be enclosed by privacy screening.

- *Loss of privacy and sunlight* - Through the demolition of the existing buildings, the amenity of the neighbouring residents is considered to be improved. The proposal is not considered to result in overlooking or loss of outlook and as such the privacy of neighbouring properties would be maintained.

- *Noise pollution* - While the proposal represents an increase in the number of people on the site, the proposed use is to be residential and would not conflict with the neighbouring adjacent properties. It is considered that a residential use is more appropriate in terms of noise than the existing commercial use.

- *Insufficient parking* - Further car parking provision has been added to give a total of 40 spaces. The Council's Traffic and Development service has reviewed the proposed highways issues and raises no objections.

- *Lack of infrastructure* - Proposal will be required to pay a Community Infrastructure Levy (CIL).

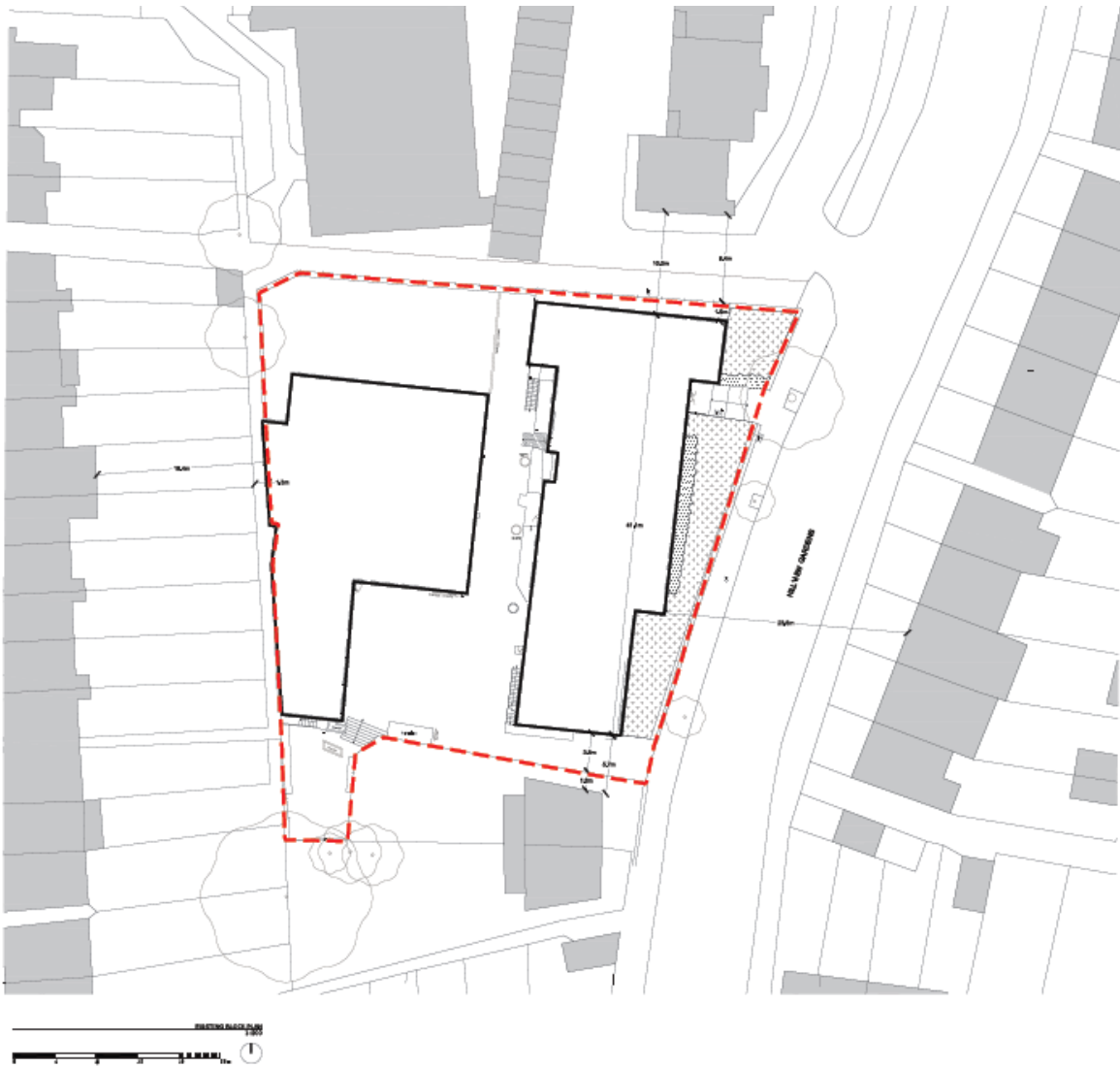
6. Equality and Diversity Issues

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.

Site Plan



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Location **47 Hale Lane London NW7 3PL**

Reference: **17/2074/HSE**

Received: 30th March 2017

AGENDA ITEM 11

Accepted: 4th April 2017

Ward: Hale

Expiry 30th May 2017

Applicant: Mr Matthew Wood

Proposal: Excavation and construction of basement level habitable space with external light-well

Recommendation: Approve subject to conditions

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

E1.0
E1.3
E2.0
E3.0
P1.0
P1.1 A
P1.2 A
P2.0
P2.1
P3.0

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 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).

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

- 5 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site contains a semi-detached single family dwelling located on northern side of Hale Lane which is an area that is predominantly residential in character. The proposal site is a corner property and shares a boundary with Beech Walk.

The host site benefits from a detached garage which is built along the common boundary line shared with the host site and No. 1 Beech Walk. The site also benefits from a single storey rear projection; however this appears to be an original feature. Despite the extensive site history, the property remains unextended.

The site is not part of a designated conservation area nor is it a listed building.

2. Site History

Reference: 15/02017/FUL

Address: 47 Hale Lane, London, NW7 3PL

Decision: Withdrawn

Decision Date: 4 June 2015

Description: Demolition of existing house and garage and erection of a three storey building comprising 3no. self-contained flats with associated amenity space, refuse and cycle stores

Reference: 15/02018/HSE

Address: 47 Hale Lane, London, NW7 3PL

Decision: Withdrawn

Decision Date: 4 June 2015

Description: Part single part two storey side and rear extension. Extension to roof including 1no. side dormer facing no. 45 Hale Lane and 2no. dormers facing Beech Walk

Reference: 15/05775/PNH

Address: 47 Hale Lane, London, NW7 3PL

Decision: Prior Approval Required and Refused

Decision Date: 22 September 2015

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3.5 metres and maximum height of 3.5 metres.

Reference: 15/05957/PNH

Address: 47 Hale Lane, London, NW7 3PL

Decision: Prior Approval Required and Approved

Decision Date: 2 November 2015

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 15/07591/192

Address: 47 Hale Lane, London, NW7 3PL

Decision: Lawful

Decision Date: 5 February 2016

Description: Side dormer to provide partial hip to gable loft conversion

Reference: 16/1479/HSE

Address: 47 Hale Lane, London, NW7 3PL

Decision: Refused

Decision Date: 30 June 2016

Description: Part single, part two storey rear extension. Loft extension involving 1 no dormer window to the side elevation

Reference: 17/0911/192

Address: 47 Hale Lane, London, NW7 3PL

Decision: Lawful

Decision Date: 8 March 2017

Description: Roof extension involving hip to gable, rear dormer window to facilitate a loft conversion. Erection of new outbuilding to rear (AMENDED DESCRIPTION),

3. Proposal

The application seeks permission for the following:

A basement extension with a depth of 8.1 metres, a maximum width of 7.2 metres and height of 2.5 metres. The basement will only be accessible from the main ground floor of the property as no additional access to the garden is proposed under this application. Along with the basement excavation an external light well of 1 metre x 2 metres is also proposed . The light well will be positioned on the western side of the host site.

With regards had to the light well, this be situated towards Beech Walk, to where there is no adjoined neighbour. As such, the light well is set away from the common boundary line shared with No. 45 Hale Lane by 7 metres and 8.5 metres from the nearest side elevation of No. 45 Hale Lane.

Due to the positioning of the lightwell, a distance of 22 metres will be retained between the light well and the detached garage that already serves the host site and a distance of 22 metres will be facilitated between the light well and the common boundary line shared with No. 1 Beech Walk.

4. Public Consultation

Consultation letters were sent to 19 neighbouring properties.

7 responses were received amounting to letters of objection which can be summarised as follows:

- Obvious intention to convert the current property into flatted accommodation
- Concerns over flooding due to the absence of any hydrological investigations and modelling
- Concerns over the erection of the basement level would lead to the collapse of the current dwelling house.
- Character issues regarding the acceptability of basement levels in the surrounding vicinity as the wider surrounding area is not traditionally characterised by such development.
- The plans provide no clarity with regards to the use of the new basement level.
- Visual clutter caused by the light well

- Concerns of overdevelopment
- Concerns over inaccuracies of the plans submitted
- Concerns over the risk of subsidence and ingress of tree roots
- Concerns over the structural stability of the dwelling house to accommodate a basement level
- Suggestions of conditions in the event of approval regarding the requirement of structural surveys as well as soil and hydrological/flood risk reports
- Clarification that should the application be approved and the dwellinghouse is to collapse that only a like for like rebuild of the current dwellinghouse would be permissible.
- The requirement for the application to be looked at in conjunction with previously approved permissions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan July 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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 principle of development within the site is unpacked in assessing impact on the character of the area. As such I shall consider both matters as one merit consideration.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The proposed basement would be sited within the footprint of the existing dwelling and would not be visible from the rear garden.

The proposed basement will be serviced by a light well as described in the proposal section of this report. Given its' location, the proposed light well will not be visible from the street scene when viewed from Beech Walk.

This is largely because the property benefits from a circa 2 metre high fence and the property benefits from a certificate of lawfulness for a new boundary treatment under Barnet planning reference: 17/0911/192.

As such, due to the boundary treatment in situ and the boundary treatment deemed lawful under the above, it is highly unlikely that the any other external manifestation would be visible.

Quality of accommodation

The basement will be used as habitable space (playroom). At 2.5 metres in height, the headroom of the basement would comply with the advised minimum headroom requirements

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The proposed basement will not be visible from the neighbouring properties and so the extension itself is unlikely to physically impact on the living condition of the neighbouring occupiers due to the distances mentioned above separating the only visible part of the scheme (the light well) from the host properties adjoining neighbours. However, owing to the scale of the development it is acknowledged that potential nuisance may occur during the construction phase. As a result, a condition will be attached which will make allowances for the following: 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.

Given the proposals adherence to design principles contained in the Residential Design Guidance SPD it is considered that the proposed basement will not cause demonstrable harm to the residential amenities of either neighbouring occupier to an extent that would warrant a reason for refusal. It is also considered that it will not cause demonstrable harm

to the residential amenities of either neighbouring occupier to an extent that would warrant a reason for refusal.

5.4 Response to Public Consultation

Obvious intention to convert the current property into flatted accommodation

The plans do not make reference to using the basement as a self-contained unit and as such, the above statement is not agreed with.

Concerns over flooding due to the absence of any hydrological investigations and modelling

Concerns have been raised with regards to the potential localised flooding due to the basement in particular. Also, residents are concerned that the proposed construction of a basement would harm ground stability and ground conditions around the site.

It is noted that the submission of a structural report is not a planning requirement and this has not been submitted for the current application. However it is noted that the geology map of the area indicates this area is overlain with London Clay (a relatively stable subsoil). London clay has a relatively low permeability and is almost a complete barrier to ground water flow.

The basement is restricted to the footprint of the new building therefore in itself will not change the area of new hard surfaces or the number of trees to be removed. Excavation in a clay soil is less of a problem than in other areas of the borough where there are granular soils with high ground water flows.

Character issues regarding the acceptability of basement levels in the surrounding vicinity as the wider surrounding area is not traditionally characterised by such development

The impact on the character has been discussed in the above. Due to the minimal external manifestation caused by the proposed, it is not found to have a detrimental impact on the surrounding area

The plans provide no clarity with regards to the use of the new basement level

Revised plans were sought during the life of the application and as such, the use of the basement will be a playroom to the main dwellinghouse.

Visual clutter caused by the light well

The impact on the character has been discussed in the above. Due to the minimal external manifestation caused by the proposed, it is not found to have a detrimental impact on the surrounding area. With specific regard had to the light well in question, due to the boundary treatment in situ and the boundary treatment found lawful under application reference 17/0911/192 it is not found that the light well will lead to an unacceptable impact on the character of the surrounding area.

Concerns of overdevelopment

It is not found that the erection of a basement will not lead to a state of overdevelopment. This is due to the siting of the basement within the footprint of the original dwellinghouse and due to the minimal external manifestation caused by the proposed. Further no other extensions exist on the site.

Concerns over inaccuracies of the plans submitted

It is not found that the plans submitted under this application show any inaccuracies.

Concerns over the risk of subsidence and ingress of tree roots

Details of tree protection will be secured by condition

Concerns over the structural stability of the dwelling house to accommodate a basement level

Structural stability is not covered by the Town and Country Act but is covered by Building Regulations and the applicant will be reminded to comply with their obligations regarding the latter.

Clarification that should the application be approved and the dwellinghouse is to collapse that only a like for like rebuild of the current dwellinghouse would be permissible

Each application would need to be considered on its' own planning merits and as such cannot be secured by condition.

The requirement for the application to be looked at in conjunction with previously approved permissions

The planning history of the site has been considered in relation to the currently proposed scheme.

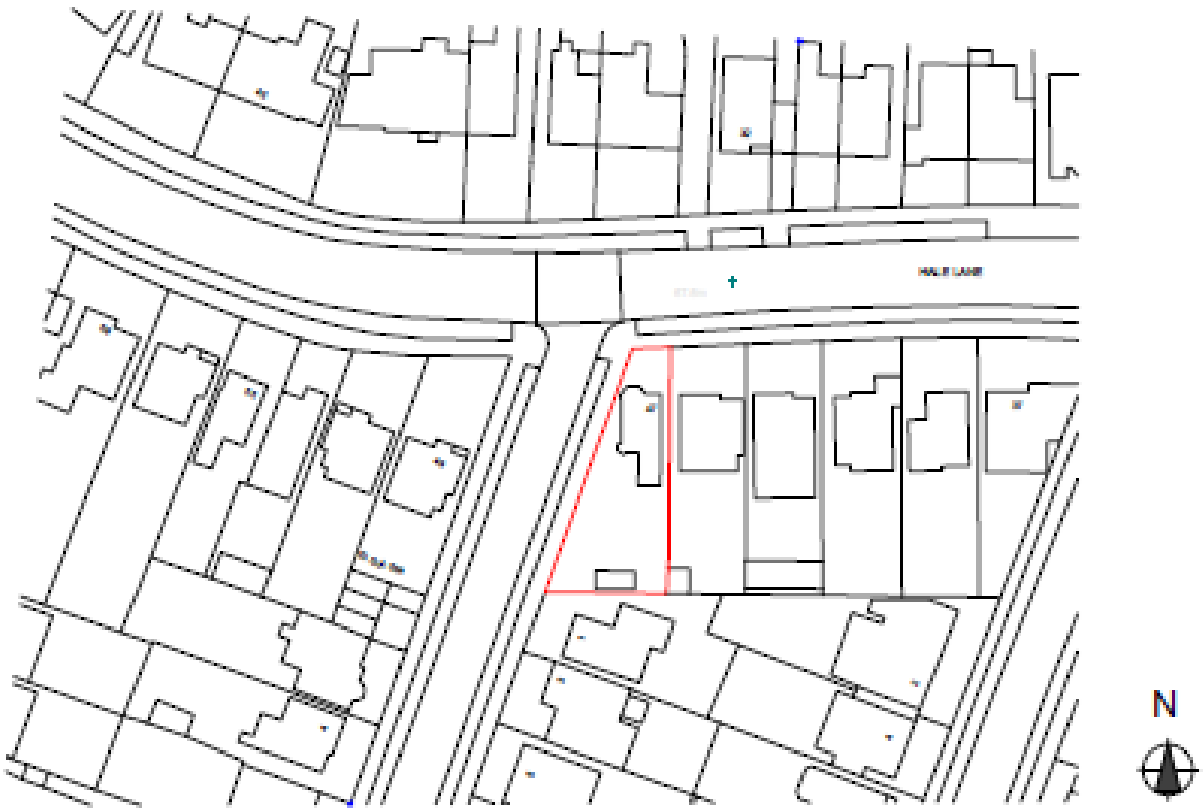
6. Equality and Diversity Issues

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.

47 Hale Lane, London
NW7 3PL



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