

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 17TH OCTOBER, 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

Claire Farrier  
Sury Khatri

Hugh Rayner  
Gill Sargeant

Agnes Slocombe

**Substitute Members**

Tom Davey  
Dr Devra Kay  
Zakia Zubairi

Val Duschinsky  
Charlie O-Macauley

Helena Hart  
Mark Shooter

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](mailto: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     |
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| 3.      | DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY) |           |
| 4.      | Report of the Monitoring Officer (If any)                                                    |           |
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|-----|---------------------------------------------------------------------------------------------------|-----------|
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## Decisions of the Hendon Area Planning Committee

7 September 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

The Chairman introduced the item and invited discussion on the item.

Following discussion the Chairman moved to the vote.

The votes were recorded as follows:

|         |   |
|---------|---|
| For     | 3 |
| Against | 3 |
| Abstain | 1 |

As the votes were tied the Chairman used the casting vote to vote for the agreement of the minutes.

The committee **RESOLVED**:

**RESOLVED** - That the minutes of the meeting held on 24 July 2017 be agreed as a correct record

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

There were none.

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

Councillor Khatri declared a non-pecuniary interest in agenda item 6, relating to 11 Sunnyfield London as he had met the applicant and objectors regarding the application.

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

None.

### 5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

### 6. 11 SUNNYFIELD LONDON NW7 4RD - 17/4602/S73

The Planning Officer introduced the application, which related to 11 Sunnyfield London.

An oral representation in objection to the application was heard from Barbara Lenton.

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

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 conditions.

The votes were recorded as follows:

|         |   |
|---------|---|
| For     | 3 |
| Against | 4 |
| Abstain | 0 |

As a consequence of the above vote, Councillor Khatri moved a new motion that was duly seconded to REFUSE the application for the following reasons:

1. The proposed variation to the approved plans to raise the roof ridge line of the property by reason of its size, bulk, height and depth would not be subordinate to the original property and would, by reason of the previous cumulative additions to the property, constitute overdevelopment of the site and would be detrimental to the character and appearance of the host property and the wider streetscene, contrary to policy DM01 of the Adopted Development Management Policies DPD (2012).
2. The proposed variation to the approved plans to raise the roof ridge height of the property would by reason of its size, bulk, height and depth have an overbearing appearance when viewed from the adjoining property No.9 Sunnyfield. In addition, the proposed construction of the rear dormer window would result in an overlooking impact, detrimental to the residential amenity of the neighbouring occupiers, contrary to Policy DM01 of the Adopted Development Management Policies DPD (2012).

Votes were recorded as follows:

|         |   |
|---------|---|
| For     | 4 |
| Against | 3 |
| Abstain | 0 |

The Committee therefore **RESOLVED to REFUSE** the application which overturned the officer recommendation for the reasons above.

**7. EDGWAREBURY COURT EDGWAREBURY LANE EDGWARE HA8 8LP - 17/3229/FUL**

The Planning Officer introduced the report and addendum, which related to Edgwarebury Court Edgwarebury Lane.

There were no oral representations made in respect to this application.

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

The votes were recorded as follows:

|         |   |
|---------|---|
| For     | 6 |
| Against | 0 |
| Abstain | 1 |

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

**8. LAND REAR OF 18 MAXWELTON CLOSE LONDON NW7 3NA - 17/4462/FUL**

The Planning Officer introduced the report and addendum, which related to Land Rear of 18 Maxwellton Close.

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

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

The votes were recorded as follows:

|         |   |
|---------|---|
| For     | 4 |
| Against | 3 |
| Abstain | 0 |

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

**9. LAND SIDE OF 22 RANKIN CLOSE LONDON NW9 6SR - 17/4034/FUL**

The Planning Officer introduced the report and addendum, which related to Land Side of 22 Rankin Close.

An oral representation in objection to the application was heard from Allon Hazon, Subhash Kotecha and from the local ward Councillor, Councillor Narenthira.

An oral representation was made by a representative of the applicant Alex Omiru.

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 conditions.

The votes were recorded as follows:

|         |   |
|---------|---|
| For     | 3 |
| Against | 4 |
| Abstain | 0 |

As a consequence of the above vote, Councillor Sargeant moved a new motion that was duly seconded to **REFUSE** the application for the following reasons:

1. The proposed dwelling by reason of its siting, size and bulk would result in a visually obtrusive form of development which would lead to an overdevelopment of the site and the residential cul-de-sac of which it forms a part and the introduction of a new gate into the park will lead to increased security risk contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policies DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).
2. The proposal will lead to increased car parking pressure which would lead to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety , contrary to policies CS1 and CS9 of Barnet's Adopted Core Strategy (2012), policies DM17 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Votes were recorded as follows:

|         |   |
|---------|---|
| For     | 4 |
| Against | 3 |
| Abstain | 0 |

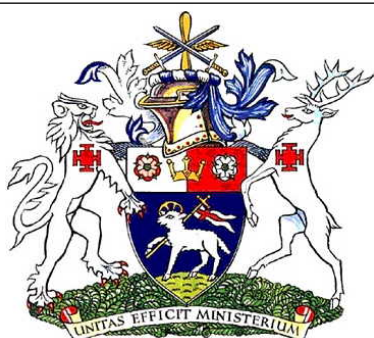
The Committee therefore **RESOLVED to REFUSE** the application which overturned the officer recommendation for the reasons above.

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

None.

The meeting finished at 9.30 pm

AGENDA ITEM 5



## Hendon Area Planning Committee

17<sup>th</sup> October 2017

|                                |                                                                                                             |
|--------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>Title</b>                   | <b>Planning Enforcement Quarterly Update<br/>July 2017 to September 2017</b>                                |
| <b>Report of</b>               | Head of Development Management                                                                              |
| <b>Wards</b>                   | All                                                                                                         |
| <b>Status</b>                  | Public                                                                                                      |
| <b>Urgent</b>                  | No                                                                                                          |
| <b>Key</b>                     | No                                                                                                          |
| <b>Enclosures</b>              | None                                                                                                        |
| <b>Officer Contact Details</b> | Fabien Gaudin, <a href="mailto:fabien.gaudin@barnet.gov.uk">fabien.gaudin@barnet.gov.uk</a> , 020 8359 4258 |

### Summary

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

### Recommendation

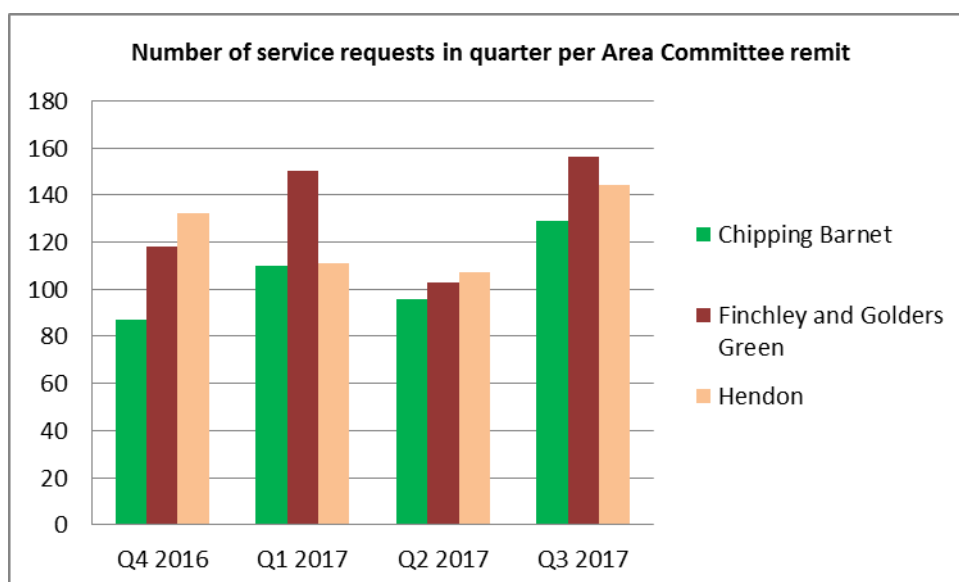
1. That the Committee note the Planning Enforcement Quarterly Update for the period of July 2017 to September 2017.

## **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 issues 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 July and September 2017, the Council received 429 requests to investigate an alleged breach of planning control which is the highest number of requests in the past year. As with previous quarters, the number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



| Chipping Barnet |         |         |         |         |
|-----------------|---------|---------|---------|---------|
| Ward            | Q3 2017 | Q2 2017 | Q1 2017 | Q4 2016 |
| Brunswick Park  | 21      | 14      | 8       | 17      |
| Coppetts        | 19      | 9       | 20      | 12      |
| East Barnet     | 15      | 16      | 20      | 8       |
| High Barnet     | 28      | 13      | 24      | 14      |
| Oakleigh        | 16      | 13      | 11      | 15      |
| Totteridge      | 20      | 18      | 17      | 13      |
| Underhill       | 25      | 13      | 10      | 8       |

| Finchley and Golders Green |         |         |         |         |
|----------------------------|---------|---------|---------|---------|
| Ward                       | Q3 2017 | Q2 2017 | Q1 2017 | Q4 2016 |
| Childs Hill                | 56      | 30      | 47      | 36      |
| East Finchley              | 16      | 10      | 7       | 9       |
| Finchley Church End        | 12      | 12      | 20      | 10      |
| Golders Green              | 28      | 17      | 19      | 20      |
| Garden Suburb              | 21      | 8       | 18      | 11      |
| West Finchley              | 12      | 12      | 12      | 13      |
| Woodhouse                  | 11      | 14      | 27      | 19      |

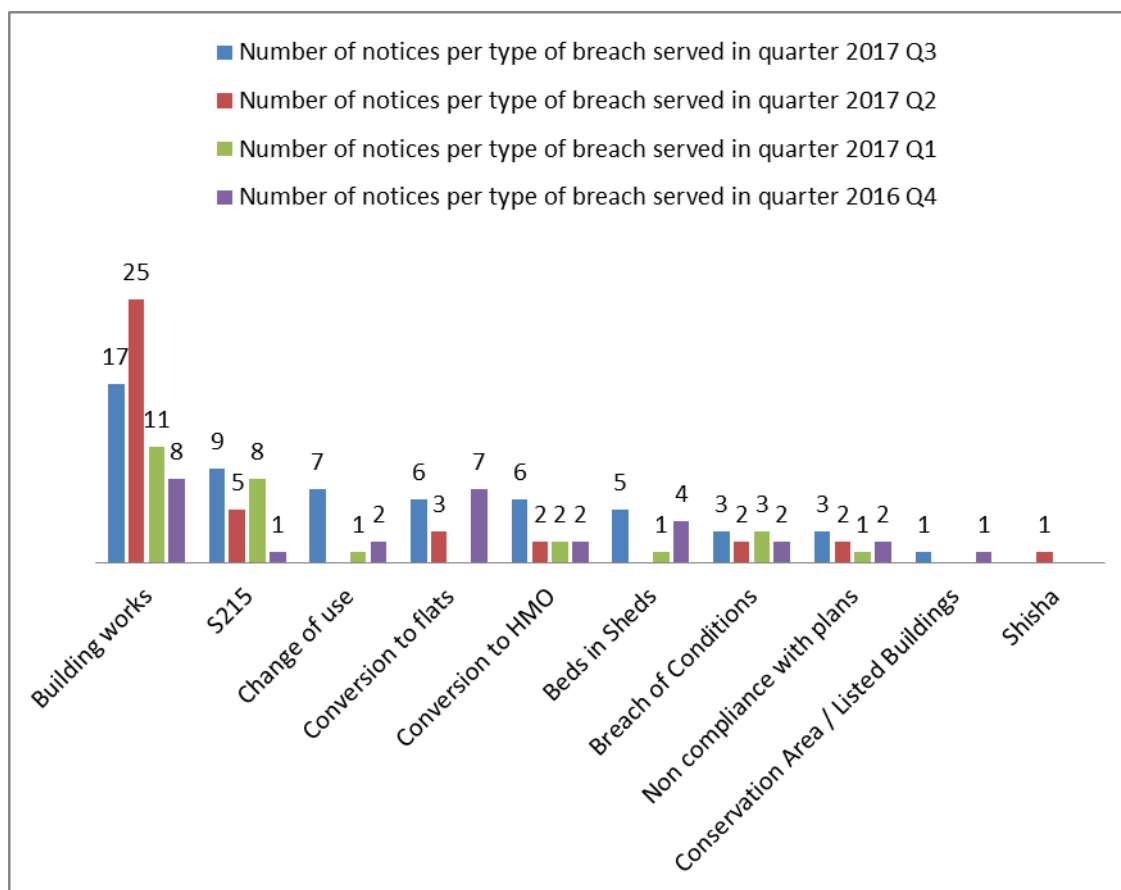
| Hendon      |         |         |         |         |
|-------------|---------|---------|---------|---------|
| Ward        | Q3 2017 | Q2 2017 | Q1 2017 | Q4 2016 |
| Burnt Oak   | 21      | 13      | 12      | 12      |
| Colindale   | 11      | 6       | 4       | 8       |
| Edgware     | 22      | 13      | 17      | 18      |
| Hale        | 19      | 16      | 18      | 15      |
| Hendon      | 26      | 12      | 26      | 27      |
| Mill Hill   | 13      | 22      | 21      | 25      |
| West Hendon | 17      | 16      | 13      | 27      |

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

#### 1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve 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, 57 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from the 40 in Q2 and 30 notices served in Q1. Whilst notices relating to building works continue to constitute the most common type of notices served across the Borough, the last quarter showed a marked increase in the number of more complex notices served against unlawful residential uses: 6 notices were served against unlawful flat conversions, 6 against unlawful Houses in Multiple Occupancy and 5 against Beds in Sheds.



### 1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between July and September 2017

|                                                                                                   | Q3 2017    | Q2 2017 | Q1 2017 | Q4 2016 |
|---------------------------------------------------------------------------------------------------|------------|---------|---------|---------|
| <b>Full compliance</b> following serving of enforcement notice                                    | <b>42</b>  | 18      | 11      | 19      |
| <b>Informal compliance</b><br>Works carried out and/or use ceased with breach resolved informally | <b>117</b> | 82      | 42      | 76      |
| <b>Lawful development</b><br>No breach of planning control was identified following investigation | <b>282</b> | 254     | 167     | 130     |
| <b>Breach detected</b> but harm insufficient to justify enforcement action                        | <b>101</b> | 61      | 22      | 51      |
| <b>Total</b>                                                                                      | <b>542</b> | 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 continue to 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.

A second phase of direct actions begins on 6 October. This time seven sites have been earmarked for action. The scope of works will also increase over the summer actions with contractors having been appointed to plant trees at a site in New Barnet to replace several protected trees unlawfully removed by the land owners. The owner was convicted of the offence of felling the trees.

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 £¾ 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 19 December.

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. The Council was successful at the appeal and the notice was upheld. The appellant was ordered to pay the Council's costs.

The High Court injunction case concerning Pentland Close continues. In a civil trial at the High Court held in August, the owner of the site was committed to prison for two months for failing to comply with an injunction issued many years previously. The prison term was suspended for two years on condition that the owner clears the land within 10 days and ensures that it is kept clear. The owners was ordered to pay the Council's costs in bringing the action. Officers are considering whether or not the steps the owner took in response to the Order were adequate.

### Hendon

Officers obtained a warrant to force entry into an outbuilding in NW4 that they suspected 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 locksmith secured access to the building without the need to damage the doors. A prosecution case against the owners of the outbuilding is now making its way through the Court system.

A planning enforcement notice was served against a structure in Burnt Oak noted as 'being of concern' by the Metropolitan Police Service. The owners of the land are seeking to appeal against the Council's notice

### Chipping Barnet

The abandoned factory / warehouse at Allum Way, N20 has been demolished. This derelict building had first come to the attention of the LPA following concerns raised by the Metropolitan Police and London Fire Brigade who feared for the safety of site visitors and trespassers and of emergency services personnel who were often called to attend emergencies at the property.

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.

Planning enforcement in Barnet became national headline news with the front page of 'The Sun' of 30 September leading on a case of 'Beds-in Sheds' in Hendon Wood Lane. The story was later picked up by the 'The Times' and the 'Daily Mail' as well as BBC London News. A planning enforcement notice requiring the demolition of several cabins and buildings used as dwellings was upheld after a public inquiry earlier this year. Work on demolition has commenced.

## **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**                      **2A Uphill Drive London NW7 4RR**

**Reference:**                      **16/7727/FUL**

Received: 5th December 2016

Accepted: 15th December 2016

Ward:                              Mill Hill

Expiry 9th February 2017

Applicant:                      Mr Selt

Proposal:                      Conversion of existing property into semi-detached pair of properties. Part single, part two storey rear extensions following demolition of existing garage to no.2a. Roof extension involving hip to gable, dormer windows to facilitate a loft conversion. New front porch and entrance. Provisions for parking, cycle store, refuse and recycling and amenity space. (AMENDED ADDRESS, SITE PLAN AND DESCRIPTION OF DEVELOPMENT)

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 1370-PA-001 RevA; 1370-PA-002 RevA; 1370-PA-300 RevF; 1370-PA-308 RevC.

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

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

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

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

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

- 4 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).

- 5 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 1370-PA-300 RevF; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 7 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.

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

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

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

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

- 10 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition

before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

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

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

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

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.

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

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

## **Officer's Assessment**

### **1. Site Description**

The application site of the application is at the corner of Uphill Drive and Watford Way. The application is the corner plot with which comprises of a detached dwelling of single storey with accommodation in the roofspace, the property faces Watford Way.

The plot is accessed off an existing slip road leading off Watford Way. Uphill Drive is a residential crescent road that sits just off Watford Way comprising of a relatively small number of houses.

Due to the location of the site the property is orientated at 90 degrees to the other properties on Uphill Drive and is single storey in nature whereas the other properties on Uphill Drive are two storey with 2A being the only single storey dwelling.

The area is characterised by single residential dwellings. The site is not within a conservation area.

### **2. Site History**

Reference: 16/0313/FUL

Address: 2A Uphill Drive, London, NW7 4RR

Decision: Withdrawn

Decision Date: 13 June 2016

Description: Demolition of a detached properties and the construction of a part two-storey, part three-storey building to provide 6 self-contained units with parking and landscaping

Reference: 16/3953/FUL

Address: 2A Uphill Drive, London, NW7 4RR

Decision: Refused

Decision Date: 16 August 2016

Description: Demolition of a two storey detached dwelling and construction of a part single, part two storey, part three-storey building to provide 6 self-contained units with provisions for parking, refuse and amenity space

Reasons for refusal:

The proposed development, which would result in the loss of family accommodation, and by reason of its design, siting, depth height and location would result in an overly prominent form of development would be detrimental to the character and appearance of the streetscene and the locality. The proposal would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted April 2013).

The proposed access to the parking at the development does not allow sufficient space for manoeuvring, which would impact on highway safety at the corner of Uphill Drive and Watford Way. Taking this into account the proposal is considered to be contrary to Policy DM17 of the Barnet Development Management Policies Document (2012).

Reference: 17/2665/192

Address: 2A Uphill Drive, London, NW7 4RR

Decision: Lawful

Decision Date: 7 July 2017

Description: Two storey rear extension following demolition of existing conservatory and garage. Roof extension involving, rear dormer window

### **3. Proposal**

The application relates to the conversion of the existing property into a pair of semi-detached dwellings. The proposal also relates to alterations and extensions to the existing property including a new roof form comprising of a hipped roof of a lower height than the existing roof with dormer windows on the front, side and rear elevations. Additional front door and windows in front elevation.

It should be noted that the application has changed significantly since the initial submission. The previous proposal also incorporated extensions to 2 Uphill Drive and the sub-division of the property to create two dwellings as a semi-detached pair. Since this proposal was first submitted the application has evolved and the red line of the site now only includes 2A Uphill Drive, the site address now refers only to 2A Uphill Drive and the proposal seeks to convert the existing property to 2A Uphill Drive into a pair of dwellings.

For reference works to 2 Uphill Drive have been consented under a certificate of lawfulness application, however, these are not subject to the current application being considered.

No.2A Uphill Road -

The proposal involves the removal of the existing side projection and the increase of the building to the side/rear. The proposal will not project beyond the existing rear building line and will infill the existing L-shaped footprint.

The proposal will also change the roof form and will provide 1 rear dormer and 2 front dormer windows and a side dormer.

The proposal will sub-divide the existing unit into 2 house comprising 1 x 2 bed unit and 1 x 3 bed unit.

The roof will be set approximately 1.3m lower than the existing ridge line.

### **4. Public Consultation**

Consultation has been carried out twice for the site. Initial consultation was carried out in December 2016 for the original scheme that was submitted. Following discussions with the agent it was decided that the proposal would be revised and would relate solely to 2A Uphill Drive and as such amendments were made to the site plan, address and description of development. Consultation letters were sent out again in respect of these changes.

Following the second round of consultation a further letter was received which confirmed that previous objections raised to the initial proposal are still considered valid.

Consultation letters were sent to 24 neighbouring properties.

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

The objections received can be summarised as follows:

Traffic and parking concerns - hazard caused by additional cars entering the site, increased traffic/congestion, parking strain, parking shown is unrealistic.

Character and appearance - bulk, massing, density, excessive given the plot size, will be asymmetrical hindering the balance of the Crescent, overbearing.

Loss of amenity - overlooking and loss of privacy.

Loss of garden space, loss of trees, environmental cost of development.

Increased pollution.

Not enough space for bins will take up space on the footpath.

Reference to cycle store but none shown on plans.

Will change the demographics of the street.

Increased population.

Looking for maximum profit.

## **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 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**

#### Impact on the character of the area

The principle of the proposed development

The proposal seeks to extend the existing dwelling and create a pair of semi-detached dwellings within the extended footprint. The principle of residential accommodation is already established and there is no concern in this regard. The character of Uphill Road is comprised of residential houses in occupation as family units. The proposal to convert an existing detached dwelling into a pair of semi detached dwellings is considered to be appropriate, the proposal will fit comfortably within the site. In addition, the proposal will still allow for family sized accommodation.

The impact on the character and appearance of the application site and surrounding area

The 2012 National Planning Policy Framework states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The proposal seeks to demolish an existing garage adjacent to the property and extend the footprint of the main building by way of a single storey side/rear extension. The proposal also seeks to extend and re-design the roof form of the building and provide dormer windows to the front, side and rear elevations of the property. The rear extension will infill the existing rear building line to align with the rearmost building line of the established property. The current property has a staggered rear footprint and the proposal will give a more consistent rear building line with a maximum depth of 3m which will align with the rear most part of the building.

The extended footprint of the dwelling will not extend beyond the established rear most building line of the existing property and the side building line, it is therefore not considered that the proposal will significantly harm the character and appearance of the host building or the wider surrounding area.

The proposal will re-design the roof form and will result in a lower ridge line than the existing building. There are no concerns with the changes to the roof form as the existing property has an unusual roof design as existing and as such the re-design is not considered to impact the character of the area or the host property. The existing building is already of a different design to the neighbouring properties on Uphill Drive.

Although front dormer windows are not usually considered to be acceptable it is noted that the current property benefits from a large front dormer window and considering the size of the front facing dormers the dormers are considered to be acceptable in this instance. It should also be noted that the existing building appears as an isolated building and as such the proposal to incorporate front dormers would not set an unwanted precedent.

The introduction of a new dwelling is not considered to be inappropriate within this location which is characterised by residential development.

#### Impact on the amenities of neighbours

Due to the siting of no.2A it is not considered that the extensions to the dwelling would have a harmful impact on the neighbouring occupiers. There is a sufficient distance maintained between the application site and the neighbouring units and due to the orientation of the dwelling and the neighbouring properties it is considered that the extensions are acceptable in this regard. The proposal will extend an existing property and will reduce the overall height of the existing dwelling. The introduction of an additional dwelling within the extended footprint by virtue of the size of the units, is not considered to increase comings and goings and cause increased noise and disturbance to an unacceptable degree. The location of the site adjacent to a main road and as such the new unit is not considered to be harmful in regards to noise and disturbance.

#### Impact on the amenities of future occupiers

The proposed works would result in the creation of two separate units which are set out as a pair of semi-detached dwellings. 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 houses meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed dwellings would have access to sufficient amenity space.

The London Plan requires 79sqm for a 2 bedroom 4 person 2 storey dwelling and 102sqm for a 3 bedroom 6 person 2 storey dwelling. Based on these requirements each dwelling meets these requirements with plot 1 having a total area of approximately 103sqm and plot 2 having an internal area of approximately 108sqm.

Barnet's Residential Design Guidance states that 55sqm of external amenity space will be required for houses of 5 habitable rooms or more. The proposal provides 61sqm for house 1 and as such is in compliance with this guidance.

House 2 has 63sqm of external amenity space, however, this is a 6 habitable room dwelling and as such the guidance indicates that 70sqm would be required, however, this shortfall is not considered to warrant a reason for refusal when considering the acceptability of all other aspects of the proposal and the location of the site.

The proposal provides adequate outlook, daylight and privacy for the future occupiers by way of the appropriate level of glazing serving all habitable rooms. Windows are proposed are in the front and rear elevation with adequate distance between the windows and boundary lines. A ceiling height of 2.3m is proposed in the upper floors to ensure that the proposal provides adequate headroom, this headroom is created by the introduction of dormer windows.

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in to an unacceptable degree.

#### Traffic and highways

The proposal provides two off street parking spaces sited adjacent to the buildings which will be accessed off Uphill Road. The parking provision will be adequate for the number and size of the units. The proposed development is considered to provide sufficient space for manoueuvering of vehicles with an area of turning space at the end of the site.

Bin stores are indicated on the site plan, however, further details are to be secured by way of condition to ensure that the bin shelter is of an adequate size and design. Also to be secured by way of condition is the management strategy to seek details of where bins will be located on collection day to ensure that bins are sited within 10m of the public highway and ensure that the Council's refuse team are satisfied with the refuse arrangements.

Details of cycle parking will be secured by way of condition, however, it is considered that there is sufficient space in the rear garden to incorporate cycle parking.

### Sustainability

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

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

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

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

It should be noted that the site plan, address and proposal has been amended since its initial submission. As such the proposal now relates solely to 2A Uphill Road. The proposal now relates to the extension and conversion of 2A Uphill Road into a pair of semi-detached properties.

It is considered that the revised and extended footprint of the building does not result in an overdevelopment of the site nor will it be overbearing or visually obtrusive.

Although the extension will lead to some loss of existing garden space, it is considered that there is adequate spacing around the building and adequate amenity space to ensure that the proposal sits comfortably within the site and provides adequate amenity provision.

2 parking spaces are to be provided for the 2 units, the access is considered to be acceptable and would not lead to a significant increase in traffic in the surrounding roads.

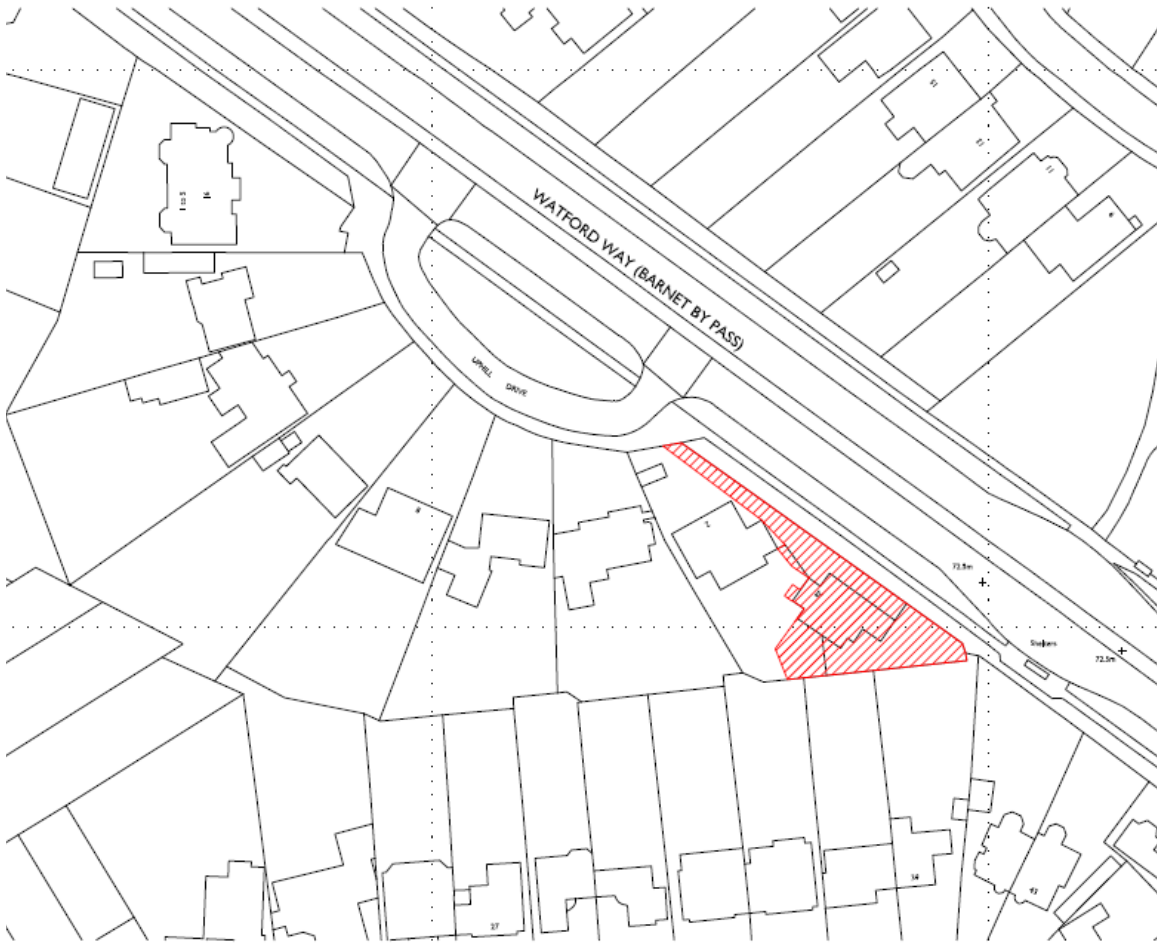
All planning related matters are considered to be covered in the above appraisal.

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

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

### **7. Conclusion**

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



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**Location**                      **50-54 Shakespeare Road London NW7 4BH**

**Reference:**                      **17/5074/FUL**

Received: 4th August 2017

Accepted: 4th August 2017

**Ward:**                              Mill Hill

Expiry 29th September 2017

**Applicant:**                      Ms Weinberger

**Proposal:**                      Demolition of 3no dwelling houses and the erection of a two-storey building including rooms in roofspace and basement level to provide 9no self-contained flats with associated vehicle parking, cycle parking, and refuse storage

## AGENDA ITEM 8

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Sustainability Checklist by Regional Enterprise dated August 2017; Site Location Plan; Planning Statement by Regional Enterprise Development Consultancy Services dated August 2017; Phase II Arboricultural Impact Assessment (Arboricultural Impact Assessment, Method Statement and Tree Protection Plan) Ref. 101 103 dated 10th October 2017 by Arbol Euro Consulting; Parking Stress Analysis by Regional Enterprise; Drawing no. RE/50-54SR/1A; Drawing no. RE/50-54SR/2A; Drawing no. RE/50-54SR/3A; Drawing no. RE/50-54SR/4A; Drawing no. RE/50-54SR/5D; Drawing no. RE/50-54SR/6D; Drawing no. RE/50-54SR/7D; Drawing no. RE/50-54SR/8E; Drawing no. RE/50-54SR/9D; Drawing no. RE/50-54SR/10D; Drawing no. RE/50-54SR/11D.

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

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

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

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

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

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

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

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

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

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

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

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

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a

satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 Before development hereby permitted is occupied, parking spaces, cycle parking and turning spaces shown on Drawing no. RE/50-54SR/8E shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 8 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 9 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 1 electric charging point accessible by two parking bays. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 10 Before the building hereby permitted is first occupied the ground and first floor proposed window(s) in the side elevations facing no.56 Shakespeare Road and Shakespeare Court 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 October 2016).

- 11 The outdoor amenity space for each proposed dwelling shall be implemented in accordance with the details shown on drawing no. RE/50-54SR/8E hereby approved 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) and the Sustainable Design and Construction SPD (2016).

- 12 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

- 13 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 14 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree detailed in the hereby approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan have been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be fully implemented and strictly adhered to in accordance with the protection plan and method statement detailed in this document

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

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

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

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

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

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

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

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

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

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

- 18 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.

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

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

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

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals,

focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £13,475.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £64,272.66 payment under Barnet CIL.

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

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

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

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

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

## Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and 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 and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

- 6 If the development is carried out it will be necessary for a vehicular crossovers to be constructed over the footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 7 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 8 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Biosecurity, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 9 The London Fire Brigade strongly recommends that sprinklers are considered for new developments. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to money, same property and protect the lives of occupiers.



## **Officer's Assessment**

### **1. Site Description**

The application site is located on the northern side of Shakespeare Road within the Mill Hill Ward. The site is currently comprised by three terraced dwellings (described as three bedroom units).

The site is not within a Conservation Area although the Mill Hill Conservation Area is located to the rear, and there is a statutory listed building to the northwest. There are no protected trees on the site although there are TPOs and Green Belt land on the adjacent site at the rear (the former St Joseph's College site).

The dwellings at present only benefit from one off-street parking (at no.50).

The site is in a flood risk zone that has been classified as 1, which is defined as having a low probability for flooding.

### **2. Site History**

No relevant planning history

### **3. Proposal**

The applicant seeks planning permission for the demolition of 3no terraced dwelling houses and the erection of a two-storey building including rooms in roofspace and basement level to provide 9no self-contained flats with associated vehicle parking, cycle parking, and refuse storage.

The units would be comprised as follows:

- 6 x 2 bed (3 occupiers) flats (3 of which would be duplexes)
- 2 x 3 bed (5 occupiers) duplex flats
- 1 x 3 bed (6 occupiers) flat

The building would be sited at the same level as the existing terrace and would be of the same width. The building would have a maximum depth of at 16.9m (17.5m including front bay windows).

The proposed basement would be sited within the existing footprint of the proposed building, apart from the rear lightwells serving the duplexes and the additional rear ward projection which would result in the building maximum depth at basement level being 22m.

Along the boundary with no.56, the building would have a depth of 11.3m, and a further projection would be set 3.3m away from the boundary with the same dwelling and would have an addition projection of 5.6m.

The building would be set 1.85m at the front and 4.8m at the rear from the flank elevation of no. 56 Shakespeare Road, and 4.2m from the flank elevation of Shakespeare Court.

The eaves and ridge height of the proposed building would be lower than the existing building (this has been designed to provide level access). The design would reflect the front gables of the existing terrace. A side dormer is proposed to the side facing no.56, 2no

side dormers facing Shakespeare Court and two rear dormers. The dormers would be centrally located on the respective roofslope.

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

Consultation letters were sent to 32 neighbouring properties.

11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- Objection to the principle of flats/ Proposal would alter character
- Houses in high demand
- Insufficient parking provision
- Streets already congested in this area such that a CPZ will probably soon be required
- No reference to proposed density of the building
- Overpopulation on the road/ fewer units supported
- A comprehensive strategy of development rather than piecemeal private development would help
- Basement could be used for parking
- Two-tier cycle store at the rear is unsightly.
- Loss of light to neighbouring gardens
- Loss of greenery
- Felling of mature trees
- Boundary treatment is unclear; currently open fencing
- Loss of privacy to Shakespeare Court/ overlooking/ side windows can still overlook
- Loss of privacy to no.56/ overlooking/ side windows can still overlook
- Impact on light
- Although distance to no.56 comparable, it is a bigger building and deeper
- Too many windows on the side elevation
- Compromise views towards the rear including the siting of the bike shed.
- Great impact on the village feel of Poets Corner which largely comprises privately owned housing, particularly if it sets a precedent for demolition and construction of other sites.
- Community threatened by overdevelopment
- Impact on wildlife
- Site is located within Green Belt and development is not permitted within the GB
- Should only be considered if for affordable housing
- Noise and disturbance
- Loss of views to Green Belt
- Parking survey taken during the summer when roads are quieter.

The Mill Preservation Society provided the following grounds for objection:

- Loss of family units
- Impact on streetscene/ appears overbearing
- Over dense
- Poor sub-standard living accommodation/ cramped accommodation
- Strange choices including the gym and studios at basement
- Impact of the basement on the water table and impact of subterranean construction has not been investigated
- Limited garden areas for occupiers
- Design would detract from Conservation Area
- Unsightly bins at front.

The Council's Highways team, Tree Consultant and Street Tree officers were consulted. Their comments are detailed in the relevant sections below.

Comments have also been received from the Fire Brigade advising that the proposal do not show compliance with Part B5 of the Building Regulations and therefore they are not satisfied with the fire fighting access; this however is dealt with as part of a separate legislation and therefore cannot be grounds for refusal.

A site notice was erected on the 17th August 2017.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08 and DM17

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

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 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.
- Whether adequate amenity would be provided for future occupiers
- Impact on Highways
- Impact on Trees
- Sustainability and Accessibility

### **5.3 Assessment of proposals**

#### Principle of development and Density

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

With regards to the demolition of the existing buildings, the buildings are not statutory or locally listed, nor do they have any other level of protection. Therefore there is no in principle objection to the demolition of the buildings.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, which can have an unacceptable impact on the established character of an area.

Policy DM01 states that the loss of single family dwellings in roads characterised by houses will not normally be appropriate. This is because the loss of houses would change the character of the area. The policy states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate' and it is considered that the principle behind this policy is also relevant to the current enquiry.

The supporting text to Policy DM01 sets out the rationale behind this, which results in part from the characterisation study undertaken as part of the production of the Local Plan. This sets out the character of different parts of the borough and how this character changes and evolves over time. The supporting text states that protecting the character

helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused. In particular, DM01(i) states that:

"Loss of houses in roads characterised by houses will not normally be appropriate."

There are several examples of a flatted development (both purpose built and converted properties) on Shakespeare Road including:

- Shakespeare Court, containing 6 flats, is a purpose built block of flats which adjoins the site to the west;
- Torrington Court, containing 6 flats, is a purpose built block of flats;
- 2 Shakespeare Road granted permission for the conversion in 1980 under reference W06580;
- 27 Shakespeare Road granted permission for the continued use as two flats in 1985 under reference W07682;
- 33 Shakespeare Road, which Council tax records indicate the use as two flats;
- 35 Shakespeare Road, which Council tax records indicate the use as two flats;
- 37 Shakespeare Road, which Council tax records indicate the use as two flats;
- 56 Shakespeare Road, which Council tax records indicate the use as two flats;
- 58 Shakespeare Road, which Council tax records indicate the use as two flats.

The road is considered to be of a mix nature with flatted development on the neighbouring sites and elsewhere on the road. The principle of flatted development is therefore considered to be acceptable; the road is characterised by a mixture of conversions and single family dwellinghouses.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site has a PTAL of 1a/1b which is considered to be low accessibility, and is considered to fall within a suburban setting as defined in the London Plan. The development should seek to ensure that a suitable density is provided which is compliant with the suburban setting and that the unit mix is appropriate. The proposal has been calculated as having 32 habitable rooms and has an estimated size of 0.07ha. Based on this, the density would equate to 128.57 units per hectare (457.14 habitable room per ha) which exceeds with the London Plan density matrix which stipulate a range of 35-75 units per hectare, although the habitable rooms would exceed the range of 150-200 habitable rooms per hectare.

It must be noted that density however is not the only indicator on whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following section.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms and 3 bedrooms as medium priority. The existing buildings currently accommodate 3 bedroom houses; however the proposal would include a reprovion of 3 x 3bedroom units. The smaller units proposed would have associated benefits by adding to the housing stock. The scheme is relatively small in scale and would include a mix of units and as such is considered to be acceptable in principle.

### Impact on the character of the area

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). In this instance, the proposal should also have regard to the distance to neighbouring boundaries.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The proposed building would be comparable to the existing buildings in terms of its building line and distance from neighbouring buildings. The building as proposed would reflect the gable projecting bays of the existing building on the Shakespeare Road façade. The building would have a slightly lower ridge height than the existing (0.4m) and lower eaves height (0.8m). It is considered that from the streetscene, the proposed building would include that general design approach of the existing buildings and its impact would be limited. Whilst it is accepted that the multiple entrances would be removed, the overall bulk and massing at the front would be in accordance with the established appearance of the streetscene.

At the rear, the building would project further into the garden, however consideration has been given to the siting of buildings. The depth of the building would be comparable to the depth of no.56 and the projection beyond Shakespeare Court is not uncharacteristic.

The dormers are centrally located and are subordinate to the relative roofslope, in accordance with the Residential Design Guidance SPD .

The site backs on to the Mill Hill Conservation Area, however due to the trees at the rear and the distance, it is not considered that the building as proposed would have a detrimental impact on the character of the conservation area.

In conclusion, it is considered that the building would have an acceptable impact on the character of this section of Shakespeare Road.

### Impact on the amenities of neighbours

It is important that any scheme addresses the relevant development plan policies (such as 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.

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

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The building would maintain a similar gap between neighbouring properties at the front and it must be reiterated that the building would be at least 0.4m lower.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden.

With regards to the impact on no.56, there are no windows and a door on the flank elevation serving the residential units. The windows at the front serve bedrooms, however given the existing siting of the building it is not considered that there would be a greater impact on the flank windows of this property sited at the front, compared to the existing circumstances. The proposed building would project an additional 1.8m from the recessed rear wing of no.56. Whilst it is acknowledged that there are flank windows towards the rear of no.56 which would front the flank elevation of the development, it is noted that the proposed rearward projection is set 4.8m from the flank elevation of no.56. The siting of the building is such that although it would be visible from the habitable windows of the no.56, suitable outlook and light would still be provided to these windows. It is accepted that there would be some impact however the depth of the building, the distance from the boundary are such that angled views towards the rear would still be provided to the occupiers of no.56.

At the other boundary, the building would project beyond the rear elevation of Shakespeare Court, however this would be offset from the boundary and due to the siting of Shakespeare Court it is not considered that the building would have an overbearing impact on the occupiers of this property. There are windows to the side elevation of Shakespeare Court however these are either obscured glazed or appear to be secondary windows. It is therefore not considered that the building would result in loss of light, unacceptable loss of outlook or appear overbearing on these occupiers.

There would be additional windows to both flank elevations of the proposed building, however these are secondary windows or serve non-habitable rooms and as such have been recommended

The buildings at the rear are a sufficient distance for the amenities of the occupiers not be affected by the proposed development.

On balance it is considered that the building as proposed would have an acceptable impact on the amenities of neighbouring occupiers.

#### Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards, as set out in the London Plan, are as follows:

- Single storey 2 bed unit for 3 occupiers is 61 sqm;
- Two storey 2 bed unit for 3 occupiers is 70 sqm;
- Two storey 3 bed unit for 5 occupiers is 93 sqm;
- Single storey 3 bed unit for 6 occupiers is 95 sqm.

The proposed units would offer the following floor areas:

- Flat 1 is a 2 bed duplex unit (3p) providing a floor area of 119.1 sqm;
- Flat 2 is a 2 bed duplex unit (3p) providing a floor area of 119.1 sqm;
- Flat 3 is a 3 bed duplex unit (5p) providing a floor area of 120.5 sqm;
- Flat 4 is a 3 bed duplex unit (5p) providing a floor area of 124.8 sqm;
- Flat 5 is a 2 bed unit (3p) providing a floor area of 61.6 sqm;
- Flat 6 is a 2 bed unit (3p) providing a floor area of 61.6 sqm;
- Flat 7 is a 2 bed unit (3p) providing a floor area of 61.6 sqm;
- Flat 8 is a 2 bed duplex unit (3p) providing a floor area of 74.8 sqm;
- Flat 9 is a 3 bed unit (6p) providing a floor area of 108.5 sqm.

The proposed flats would meet and exceed the minimum space standards and this is acceptable.

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would benefit from good outlook, with some rooms benefitting from dual aspect windows (although these would be conditioned to be obscured glazed to prevent overlooking). With regards to the duplex units at the rear, whilst it is accepted that the bedrooms located at lower ground floor face excavated lightwells, thus limiting the outlook, the scheme includes a stepped retaining wall to improve the outlook and the units also benefit outlook at ground level. Units 1 and 2 would have non-habitable accommodation including a study and gym at lower ground floor level; the layout would be conditioned to ensure that the habitable accommodation is not located at this level. For all the duplexes it is considered that for the aforementioned reasons suitable outlook would be provided. The living room for unit 8 would be located centrally at ground floor between the Units 3 and 4 with upper accommodation at first floor and with outlook on to a private amenity area at ground level. Finally, some habitable rooms for Unit 9 would be served by side dormers; this is nonetheless considered to provide sufficient outlook, albeit mainly towards neighbouring roofs.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. For flats, options include provision communally around buildings or on roofs or as balconies; the SPD specifies that 5sqm of outdoor amenity space should be provided per habitable room. In the case of the proposal, the scheme would provide the amenity space through private balconies and communal amenity space in the rear garden. Given that the development would have 32 habitable rooms, 160sqm would need to be provided. Private amenity areas would be provided to Units 3 (41sqm), 8 (20sqm) and 4 (7sqm). The combined outdoor amenity provision is 187sqm including 119sqm communal garden.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Sufficient refuse and recycling facilities would be provided for future occupiers based on the size and number of units. Further details of the appearance of the refuse stores would be secured through a recommended condition.

The proposal is considered to provide good quality units for future occupiers with suitable amenity provision, and is acceptable in this regard.

### Trees

The applicant has submitted an Arboricultural Impact Assessment, which has been reviewed by the Council's Tree Consultant.

As detailed in Policy DM01, the Council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

As noted above none of the trees are protected by a Tree Preservation Order within the site itself; although it is acknowledged that there are protected trees on the adjacent rear site.

The application site has a trees growing in the rear garden that are partially visible from the road and a third party street tree at the front of the property.

The proposal requires the removal of three trees, two of which are of a low quality. The most significant of these trees is the category B T9 (a Mountain Ash) however none of these trees are visible from the public highway, and therefore there is limited amenity value.

The street tree is potentially at risk from construction activities, deliveries and general construction vehicle movements, a proposed crossover to the left of tree and a new bin & cycle store.

However mitigation of these impacts has been addressed within the arboricultural method statement and tree protection plan.

The Tree Consultant and Council's Street Tree officers both confirmed that subject to the recommendations within the submitted report being implemented and a suitable landscaping scheme, the impact to trees including the street tree would be acceptable.

### Highways

The Council's Highways department were formally consulted on the scheme and have reviewed the accompanying information.

The site has a PTAL 1a/1b which is classed as poor accessibility. The existing three dwellings only benefit from one off-street parking space.

The proposal would provide 4 no off-street parking spaces at the front of the site. Pedestrian footways are provided at the front of the proposed property to the main entrance and rear cycle parking and bin storage (accessed through the site adjacent to Shakespeare Court).

Adopted Policy DM17 states that a maximum of 1-1.5 car parks should be provided for 2-3 bedroom flats. Given the proposed mix of 3 x 3 bedroom and 6 x 2 bedroom flats, the public transport accessibility level and the existing parking provision, the overall demand for the new development was agreed to be 12 car parks. The existing 3 x 3 bedroom terrace houses (proposed to be demolished) have a total parking demand of 5 spaces, and only one space provided; therefore, the existing demand from the site for on-street parking is 4.

A parking survey has been submitted that was carried out on 10th and 12th August 2017 7am-7pm.

The parking stress survey was undertaken during the school holidays, to mitigate any potential effects from the survey being undertaken during the school holidays the survey results were increased by a factor when reviewed by Highways officers so that it is comparable to a term time survey. The factor that was applied was 30% increase applied to the number of spaces occupied for every beat of the parking stress survey. This factor is based on existing data which is used to estimate the decrease in traffic flows during the school holidays.

The parking survey (including this factor) indicates there are a sufficient number of spaces available throughout the day and evening. The parking levels would need to increase by a further 60% overnight for there to be severe parking stress. It is not envisaged that there would be any issues with parked vehicles on street and there is adequate space to accommodate any likely overspill on the public highway.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of 18 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings).

The proposed scheme would provide 18 cycle spaces in a cycle store at the rear of the site, which is in accordance with the London Plan.

Subject to the recommended conditions and informatives, the proposal is considered acceptable on Highways grounds.

#### 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% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached 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.

#### Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet (index linked).

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index linked).

The proposal with a proposed internal floorspace of 961sqm (673sqm would be the net gain, however 385 sqm of chargeable area including the deduction of the demolition of the existing building with an area of 288sqm), would be liable for £64,272.66 of Barnet's CIL and £13,475.00 of Mayor's CIL.

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

It is considered that the comments raised of neighbours consulted have generally been addressed in the assessment above. The following responses are provided to other comments:

"Impact on wildlife" - Given that the development is for the demolition of existing buildings and the rear of the site is residential garden it is not considered that the proposal would have a detrimental impact on local wildlife. The site is not within an area identified as an

area of importance for Nature Conservation and none of the trees are protected by way of a TPO.

"Site is located within Green Belt and development is not permitted within the GB" - The site is not located within the Green Belt although the land adjacent at the rear is.

"Should only be considered if for affordable housing"- Due to the scale of development, there is not a statutory requirement to provide affordable housing.

"Impact of the basement on the water table and impact of subterranean construction has not been investigated"- The structural implications of the basement including the possible impact on neighbouring properties with regards to stability are assessed under Building Regulations. The site is not within an area identified as having a moderate or high probability of flooding (it is located within Flood Zone 1 which is low). Therefore this reason for objection is not considered to be justified to warrant refusal alone.

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

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

## **7. Conclusion**

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



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**Location**                      **Land Rear Of 77-79 Hale Lane London NW7 3RU**

**Reference:**                      **17/5351/FUL**

Received: 16th August 2017

Accepted: 16th August 2017

**Ward:**                              Hale

Expiry 11th October 2017

**Applicant:**                      Mr PEER

**Proposal:**                      Erection of a three storey dwelling. Associated amenity space, cycle storage, parking and refuse and recycling

**AGENDA ITEM 9**

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. LP-001 Rev00; Drawing no. LP-002 Rev 01; Drawing no. AR-001 Rev 02; Drawing no. AR-002 Rev 02; Drawing no. AR-003 Rev 02; Drawing no. AR-004 Rev 02; Drawing no. AR-005 Rev 02; Drawing no. AR-006 Rev 02; Drawing no. AR-007 Rev 02; Drawing no. AR-008 Rev 00; Summary Statement by Iguana Architects Ltd; Daylight and Sunlight Report. By Jonathan Nash ref 141/JN; Daylight and Sunlight Drawing no. 1410/D&S/01 Rev 3; The Landscape Gardener Quote; Photographs; Planning, Design and Access Statement by Iguana Architects Ltd.

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

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

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

- 3     a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced

areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing 1 Downhurst Avenue and 77-79 Hale Lane.

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).

- 7 Before the building hereby permitted is first occupied the proposed dormer window and first floor window in the rear elevation facing the rear garden of no. 81 Hale Lane shall be glazed with obscure glass only up to a height of 1.8m, 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).

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

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

- 9 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

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.

- 10 a) No development other than demolition works shall take place until details of the proposed green living wall including a detailed management plan have been submitted to and approved in writing by the Local Planning Authority.

b) The green living wall shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the future occupiers in accordance with Policies DM02 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

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

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

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

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces and cycle storage shown on Drawing no. AR 001 Rev 02 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 13 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

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

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

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

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

## Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £3,724.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £17,762.63 payment under Barnet CIL.

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).

## **Officer's Assessment**

### **1. Site Description**

The application site is located at the rear of no.77 and no.79 Hale Lane at the junction with Downhurst Avenue within the Hale ward. The adjacent properties are not listed nor does the site lie within a conservation area.

There is an alleyway between the gardens of the properties on Hale Lane and Downhurst Avenue.

### **2. Site History**

**Reference:** 16/2674/FUL

Address: Land Rear Of 77-79 Hale Lane London NW7 3RU

**Decision:** Refused

Decision Date: 22 June 2016

Description: Erection of 1no two storey dwellinghouse with associated amenity space, refuse and recycling area, cycle rack and provision of 1no parking space

Appeal decision: Appeal Dismissed (21.09.2016)

Reason for refusal: The proposed building by virtue of its design including eaves height, scale, bulk, mass, siting and layout would fail to reflect the spatial pattern of development in the surrounding area and would appear cramped on the site. The proposal would therefore be detrimental to the character and appearance of the application site and surrounding area, contrary to the National Planning Policy Framework 2012, London Plan 2015 Policy 7.3, Core Strategy Policies CS1 and CS5, Development Management Policy DM01 and the Residential Design Guidance SPD 2013.

**Reference:** W04101A

Address: Land Rear Of 77-79 Hale Lane London NW7 3RU

**Decision:** Refused

Decision Date: 18.07.1973

Description: 3 storey block of 6 flats with court of 6 garages at rear

### **3. Proposal**

The applicant seeks planning permission for the erection of a single family detached house located to the rear of no.77 and 79 Hale Lane, adjacent to no. 1no Downhurst Avenue. The property would be two storeys in height and would provide 3 bedrooms (1 double and 2 single rooms), and 1no off-street parking space, although the site could accommodate up to two spaces.

The proposed dwelling would have a maximum width of approximately 5.6 metres. It would have a depth of 7.8 metre. The building would be set 7.9m away from the pavement. It would project 1.6m from the outermost front façade of no. 1 and 2 Downhurst Avenue, and 1m beyond the outermost front elevation of other properties on Downhurst Avenue.

The height of the main building would be approximately 8.6 metres and have an eaves height of approximately 5.3 metres when measured from the boundary with no. 1 Downhurst Avenue; this would match the eaves and ridge height of no.1 Downhurst Avenue.

The proposed unit would be set away from the common boundary with 77-79 Hale Lane by approximately 2.5m and would be sited on the boundary with the alleyway, which provides a gap of 3.8m from the flank elevation with 1 Downhurst Avenue. The proposal includes a parking space to the front of the proposed building near the boundary with 77-79 Hale Lane accessed through the existing crossover.

The proposed building would be of a modern design based on the principles of Biophilic architecture, which seek to improve health and wellbeing through the integration of nature and natural elements, materials and forms into building design and interiors. The design features include a perforated brick pattern section to the northern section of the front elevation and green wall to the north elevation.

Planning permission was previously refused by the Planning Inspector on the site for development comprising of a single family unit. This is a material consideration in the current proposal.

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

Consultation letters were sent to 29 neighbouring properties.  
29 responses have been received, comprising 29 letters of objection

The objections received can be summarised as follows:

- Overdeveloped area/ More spaces being developed for the detriment of all
- Out-of-character
- Already problems with parking/ increase congestion.
- Loss of privacy/ overlooking
- Loss of light/ sunlight to habitable rooms
- Loss of views
- Shoe-horned development/cramped/ Sense of enclosure
- Neighbours would face a brick wall
- Taller structure
- Noise from users
- Disproportionate addition in a tight space
- Disruption during construction
- Dangerous precedent
- Disturbance of pests on this overgrown site causing them to run to neighbouring properties
- No other property has perforated brick
- Harmful impact to light and outlook to small garden of no.79 Hale Lane/ size of this garden has not been considered in regards to loss of light
- Inspector did not consider the siting of the shed at no.79 in the correct location, and this was argued as preventing views to the development
- Proposal still breaches strong building line along Downhurst Avenue/ how can officers justify a development which breaches its own previous assessment.

In addition, the Mill Hill Preservation Society provided the following comments:

- Negative visual impact on the streetscene and out of character
- Loss of garden green space, trees and mature shrubs
- Inappropriate location for a family home squeezed into this location.

A site notice was erected on the 24th August 2017.

## 5. Planning Considerations

### 5.1 Policy Context

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

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

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

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

#### The Mayor's London Plan 2016

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

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

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

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

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

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

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate living condition would be provided for future residents;
- Impact on Highways;
- Sustainability.

## **5.3 Assessment of proposals**

As mentioned above, a previous application (16/2674/FUL) on the site for a detached single family dwelling was refused by the Council and dismissed by the Planning Inspector. The application was refused for the following reason only: The proposed building by virtue of its design including eaves height, scale, bulk, mass, siting and layout would fail to reflect the spatial pattern of development in the surrounding area and would appear cramped on the site.

The appeal decision is therefore a material consideration in the assessment of the residential unit proposed on the site.

### Principle of building and impact on character of the area

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). In this instance, the proposal should also have regard to the distance to neighbouring boundaries.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

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

The principle of a residential accommodation on this road is considered to be acceptable.

Any development on this constrained site should have due regard to the built form and pattern of development of Hale Lane and more importantly Downhurst Avenue, given that the principle elevation of the building would be from the latter. Downhurst Avenue has a strong building line pattern of semi-detached dwellings.

With regards to the building line, the inspector noted that the previous scheme with a forward project of 5m "would be out of keeping with the rest of the street and would make the dwelling appear harmfully incongruous and unduly prominent in the local context". The applicant has addressed this by setting the building further away from the street, with a forward projection of approximately 1.6m beyond the front building line of no. 1 Downhurst Avenue. It is considered that whilst this does not match the building line of other properties on the road, the reduction in the projection, combined with the gap between the neighbouring buildings would ensure that the building does not read as a prominent structure and has addressed this concern.

In so far as the height of the building, roof ridge and eaves levels, the form and siting on the plot, the proposal would be in accordance with the general pattern of development on Downhurst Avenue. The height of the building in particular, whilst the ridge height would be taller (by 0.3m) than the previous building, the eaves would be lower to match the other properties on Downhurst Avenue. It is not considered that the height of the building would make it appear incongruous.

The building would be narrower than the previous submission; the Inspector at the time considered that "separately, the development would not appear unacceptably cramped within the plot itself...whilst it would occupy almost the full width of the plot, it would not be out of keeping with the tight grain of development in the area". The proposed building, as mentioned, benefits from a greater degree of spacing between gardens on Hale Lane and therefore would appear to sit comfortably on the plot. It is considered that the grounds for refusal have been addressed by the amended scheme.

In terms of the design, the building is modern and simplistic, and the siting of windows on the front elevation reflects the properties on the road. The indicative palette of materials includes linear bricks (elongated) and light grey slate/ grey roof tile to complement the brickwork; the palette is considered to be sympathetic to character of the area however details would be required to be submitted through a conditions application. In order to add interest to the most visible elevations, the scheme includes innovative features including "hit and miss" brickwork to the eastern side of the front façade and a green wall to the northern elevation (fronting Hale Lane). Whilst these details are not common on the road, the form and massing of the proposed building is reflective of the properties in the area; the building is not intended to be a replication of other buildings on Hale Lane, however it is intended to be a complimentary modern building.

The proposal is considered to accord with policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. 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. It is considered that the proposed dwelling would not be

harmful to the local character of the area and the previous grounds for objection have been overcome. As such, officers recommend approval on character grounds.

#### *Green wall management*

A general management plan for the green wall has been provided which includes the following (obtained from the Planning Statement):

"- It is recommended to use *Trachelospermum jasminoides*, whilst this plant likes sun/partial shade it will tolerate shade if it's in the open and not down an alley. This plant will grow to the sizes required to cover the northern elevation of the building and will not penetrate the bricks or mortar.

- It is recommended that partially grown *Jasminoides* (4m-4.5m) are brought to site both and immediately tied to the trellis system so that they can be trained to grow in the correct direction

- It is recommended that the *Jasminoides* are grown at ground level and trained to grow around the glazed opening on the Northern facade of the proposal. This means that no structural system is needed to be incorporated in to the building fabric, thereby reducing the potential for the degradation of the building facade.

- It is recommended that box frame planters are placed at ground level and spaced 0.1m away from the building façade so as to allow for a breathing gap behind the box from planters thereby reducing the potential for moisture ingress in to the building fabric.

- It is recommended that for the first year 7 inspections are made between the months of April to October when the *Jasminoides* are in their growing cycle.

- For the subsequent three years it is recommended that an annual inspection of the plants, planters and trellis system is made during which necessary pruning will take place."

The initial management plan are considered sensible however further details of the green wall have been requested as part of a condition.

#### Impact on the amenities of neighbours

It is important that any scheme addresses the relevant development plan policies (such as 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.

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

Any development, particularly in a constrained suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Residential Design Guidance SPD stipulates that in order to prevent overlooking the distance of 21m between habitable windows should be retained, in addition to 10.5m between windows of new development and adjacent gardens in order to protect privacy.

The applicant has provided a Daylight and Sunlight report in order to demonstrate that there would be no harm in regards to overlooking and loss of light to no. 1 Downhurst Avenue. The windows to the flank elevation of this property serve non-habitable rooms (or are dual aspect as at roof level). It is therefore not considered that this property would be overlooked by the proposed window to the side elevation. These windows have not been assessed for the impact on loss of light as they are not habitable.

To prevent overlooking the rear dormer window would be obscured glazed up to a level of 1.8m; this will be conditioned. At the rear, the site abuts garages and the siting of the building is not considered to cause overlooking in this regard as the section of the garden at the rear is occupied by outbuildings.

The Daylight and Sunlight report indicates that 77 and 79 Hale Lane would benefit from suitable daylight and sunlight which would all meet BRE standards. In addition, whilst it is acknowledged that there would be some loss of light to the garden of no.79, this would not be to an unacceptable level.

Properties no.77-79 Hale Lane would not be overlooked due to the northern elevation not containing any windows. Instead the proposal would include a green wall (discussed above). It is not considered that this feature would be detrimental to the visual amenities of these occupiers. In addition, the proposed dwelling would retain a suitable distance between the buildings on Hale Lane (greater gap than the previous application which was not considered to affect the outlook to these properties).

It is therefore not considered that the proposed dwelling would be detrimental to the amenities of neighbouring occupiers. It is noted that the previous application was not refused on impact to amenity of neighbouring occupiers and the Inspector did not raise objection on these grounds; there are no new material considerations that have been presented that warrant refusal on these grounds.

#### Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards, as set out in the London Plan, for a three storey 3 bed unit for 5 occupiers is for an internal area of 99sqm; the unit would provide 106.4sqm and exceed this standard.

All proposed residential development should provide suitable outlook and daylight; the proposal is acceptable in this regard. The applicant has demonstrated that the outlook to the first floor rear bedroom would be acceptable and there would be visibility towards the

road. At roof level the main bedroom would be served by rooflights which on balance is considered to be acceptable outlook.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For houses, amenity space should be provided in the form of individual gardens, typically at the rear, calculated at 40sqm for dwellings with 4 habitable rooms. It must be noted that rooms exceeding 20sqm will be counted as two habitable rooms; the kitchen and living room have been separated and therefore are not considered to account for two habitable rooms as the former falls below the minimum standard for a kitchen to be considered as habitable (13sqm). The provision of 40sqm is therefore considered to be acceptable and would comply with the requirements for a unit of this size.

With regards to the refuse and recycling store, this would be sited at the front of the site, away from the boundary with the pavement and along the boundary with the pavement. The store would provide sufficient refuse storage and it is not considered the siting would be detrimental to the streetscene.

The unit would provide suitable amenity for future occupiers and in this regard is acceptable.

### Highways

The site benefits from a PTAL score of 3-4. In addition, the site already benefits from a crossover. The submitted plans show one parking space to be provided for the unit, however there would be sufficient space for two spaces on the front courtyard. This is in accordance with the Council's parking standards for a unit of this size.

As the proposal meets the Council's parking standards, it is not considered that the proposed development would result in an increase in parking stress in the area

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development for a dwelling would require the provision of 2 cycle spaces. This has been indicated as being sited at the rear of the plot and would comply with the cycle standards as set out in the London Plan.

The plans indicate the siting of the refuse stores abutting the pavement during collection days, which would be within 10m from the Highway. Whilst details of the refuse store have not been provided, this would be secured by an attached condition; nonetheless the provision and siting of this is acceptable.

It must be noted that the previous application was not refused on Highways grounds and it is not considered justified that this reason is introduced.

### 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 is attached 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.

### CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The gross internal floorspace would be 106.4sqm, therefore the development would be liable for £3,724.00 of Mayoral CIL and £17,762.63 of Barnet CIL.

## **5.4 Response to Public Consultation**

It is considered that the planning related comments raised by objectors have been addressed in the report above.

## **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. In addition, the following comments are provided:

"Disruption during construction"- A condition has been added requiring details during construction for a Demolition and Construction Management and Logistics Plan in order to limit the impact to neighbouring occupiers and traffic during construction.

"Dangerous precedent"- The application has been assessed on its own merits and would not necessarily justify development elsewhere.

"No other property has perforated brick"- It is not intended that the building design replicates the design of other properties on the road however the form and massing would not be dissimilar to other properties on the road.

## **7. Conclusion**

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed development is considered to have an acceptable impact on the residential amenities of neighbouring properties. The proposal is considered to accord with the requirements of the Development Plan, it has overcome previous grounds for objection and is therefore recommended for APPROVAL.



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**Location**                      **11 Rundell Crescent London NW4 3BS**

**Reference:**                      **17/4498/HSE**

Received: 13th July 2017

Accepted: 4th August 2017

**Ward:**                              West Hendon

Expiry 29th September 2017

**Applicant:**                      Mr H Daswani

**Proposal:**                      Part single, part two storey rear extension including creation of 2no  
juliette balconies following removal of existing rear bay window.  
Changes to fenestration at front and side of property (amended  
description).

AGENDA ITEM 10

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Existing and Proposed Front Elevation Drawing No NAT1005C  
Existing and Proposed Side Elevation Drawing No NAT1006D  
Existing First Floor Plan Drawing No NAT1002C  
Existing Loft Plan Drawing No NAT1009C  
Existing and Proposed Rear Elevation Drawing No NAT1007D  
Existing and Proposed Side Elevation Drawing No NAT1008D  
Existing Ground Floor Plan Drawing No NAT1001C  
Existing Roof Plan Drawing No NAT1010C  
Existing Site Plan Drawing No NAT1013C  
Proposed First Floor Plan Drawing No NAT1004D  
Proposed Ground Floor Plan Drawing No NAT1003C  
Proposed Roof Plan Drawing No NAT1011D  
Proposed Site Plan Drawing No NAT1014C  
Proposed Block Plan Drawing No NAT1015C  
Proposed Loft Plan Drawing No NAT1012D

Received 11 September 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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing 9 or 13 Rundell Crescent.

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).

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

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

## **Officer's Assessment**

### **1. Site Description**

The application is a two storey detached property located on Rundell Crescent. The property is not listed nor does it lie within a Conservation Area. The property benefits from a single storey rear extension which was substantially constructed at the time of the site visit for this planning application. Its size and scale would fall under permitted development regulations.

The area is predominantly residential in character.

### **2. Site History**

Reference: 14/07990/PNH

Address: 11 Rundell Crescent, London, NW4 3BS

Decision: Prior Approval Required and Refused

Decision Date: 23 January 2015

Description: Single storey rear extension with a proposed depth 6.0 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 16/3622/192

Address: 11 Rundell Crescent, London, NW4 3BS

Decision: Withdrawn

Decision Date: 28 July 2016

Description: 2 storey rear addition, single storey side addition & loft conversion under 50 cubic meters

Reference: 15/08009/ENQ

Address: 11 Rundell Crescent, London, NW4 3BS

Decision: Pre-application advice issued

Decision Date: 3 February 2015

Description: Proposed erection of porch including alterations, first floor rear extension and erection of rear dormer.

### **3. Proposal**

This application is for a single storey, first floor level rear extension including 2 Juliette balconies following removal of the existing rear bay window and changes to the front and side fenestration.

The ground floor extension is substantially complete. The extension measures 8.9 metres in width, 4 metres in depth and 3 metres in height with a flat roof.

The first floor rear extension measures 2.8 metres in depth, 6.3 metres in width and 5.4 metres in height to the eaves with a crown roof. The extension is set in 2 metres from the side elevation facing 9 Rundell Crescent and 0.6 metres from the side elevation facing 13 Rundell Crescent.

The plans have been amended in the course of the application. The proposal originally included an extension to the crown roof and removal of the front and side dormers and insertion of new rooflights. Although the removal of the existing dormers was supported, the increase to the roof pitch was not supported. This element has been removed to retain

the roof as existing. The proposal also originally included a modification to the two storey front bay window. The removal of the two storey bay feature and replacement with a squared frontage was not supported as it would harm the original character of the property and appear at odds with other properties of similar architectural style in the street. The applicant has retained the characteristic bay windows. Officers also raised concerns with the size of the proposed porch and requested a reduction. The porch feature has been removed.

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

Consultation letters were sent to 10 neighbouring properties.

39 responses have been received, comprising 6 letters of objection and 33 letters of support.

The objections received can be summarised as follows:

- ground floor extension as built is blocking light and view
- The first floor extension will result in a further loss of light and be overbearing for neighbouring properties. The first floor rear extension appears out of character with the area as there are no other first floor extensions in this side of the street.
- extension will result in a loss of privacy as it extends past the first floor rear building line
- the development to the front elevation will impact the character of the property and road.
- the vast area of concrete will further diminish the proportion of green area

The representations received can be summarised as follows:

- the development improves the existing property which is rundown and in poor condition
- we should be welcoming positive refurbishment of family houses as it attracts families to the area
- This proposes brings a welcome modernisation that is needed in Rundell Crescent and should serve as a precedent to follow.
- The development for a larger family home is supported as long as it is retained as a family home.

A secondary consultation period followed the amendments made to the plans.

A further 3 letters of objection were received and can be summarised as:

- o Proposal for first floor rear is larger and more intrusive than before.
- o Comments received are not by residents in Rundell Crescent
- o Support for retaining the front of the building as existing

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

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

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

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

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

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

#### The Mayor's London Plan 2016

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

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

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

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

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

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

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted October 2016)

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

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

The proposal is to construct a single storey rear extension to the rear of the property at first floor level, following removal of an existing rear bay window. The single storey rear extension which was substantially completed at the time of the officer's site visit is considered to fall under the regulations of permitted development. No concerns are raised about this aspect of the proposal.

The proposed first floor extension would project approximately 2.8m from the rear elevation and is set in from both flank elevations. The first floor extension has been reduced in width to provide more setback from the neighbouring properties and reduce the scale of the extension. The extension is set away at least 2m from the flank elevations of the adjacent properties. The extension has a crown roof which is set down lower than the main roof slope and is sympathetic to the existing roof form as advocated by the Residential Design Guidance SPD. The proposal also includes changes to the fenestration detail in the front elevation and side elevation which is considered to be acceptable. The front two storey bay window is now retained and ensures the character of existing building and streetscene is maintained as there are a number of other houses of similar architectural style within the street which have the double bay feature. The roof and loft remain as existing.

The applicant has provided a statement from Right to Light consultants which states the proposal satisfies the requirements set out in BRE guide 'Site Layout planning for Daylight and Sunlight'. Given the depth is less than 3 metres and the extension is set away 2 metres from the boundaries with each neighbouring property, the impact to the neighbours is not considered to be of significant harm to warrant refusal.

The proposal includes two Juliet balconies in the rear elevation. The Juliet balconies do not increase overlooking as the railing is flush with the rear wall and does not allow any external access.

## **5.4 Response to Public Consultation**

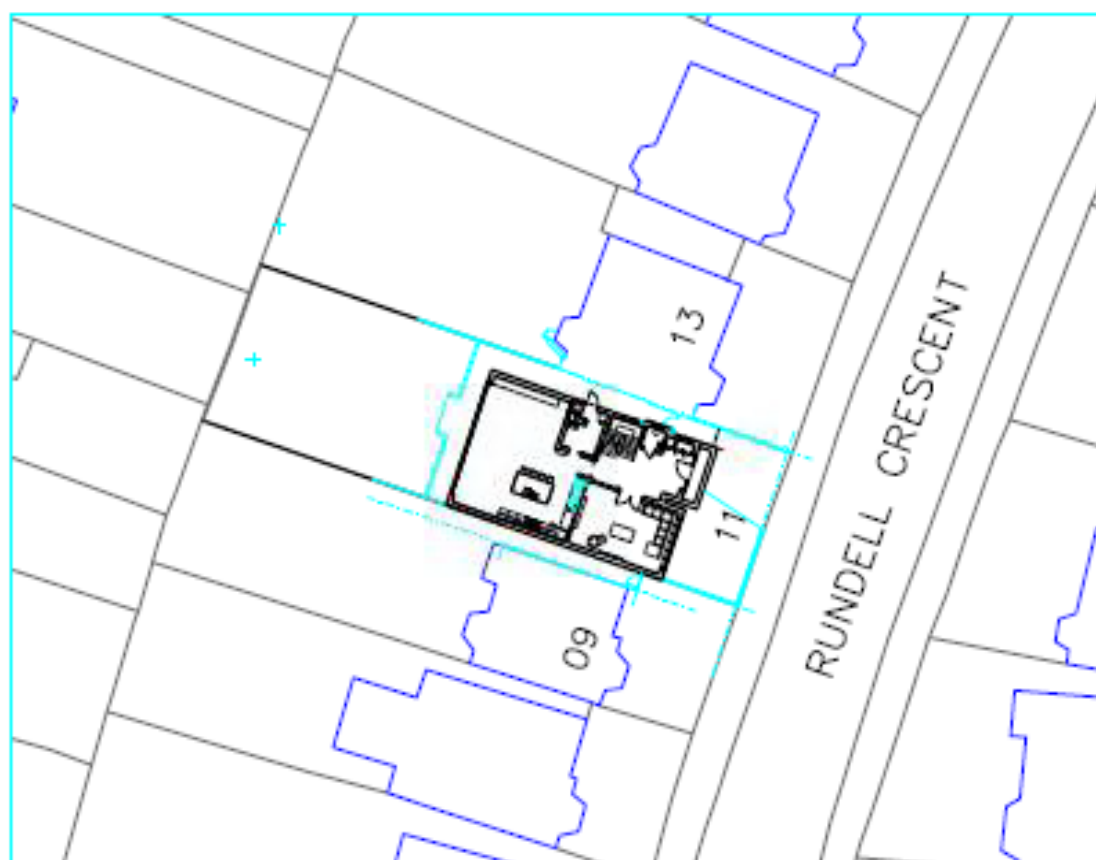
Discussed above.

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

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

## **7. Conclusion**

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



**Location**                      **The Pillar Chapel 19 Brent Street London NW4 2EU**

**Reference:**                      **17/4427/FUL**

Received: 10th July 2017

Accepted: 17th July 2017

**Ward:**                              **West Hendon**

Expiry 11th September 2017

**Applicant:**

**Proposal:**                      **Erection of marquee for used for up to 10 events per year**

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Site location plan drwg no: RG LP1  
Noise Impact Assessment by W.A.Hines & Partners  
Proposed plan and elevation drwg no: 6827/P1 Rev B  
Planning statement

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

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

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

- 3      No amplified sound and/ or music shall be generated within the marquee in association with the use hereby approved as a result of the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties. Policies DM01, DM02 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012)

- 4 The hours of operation shall be limited to 1100 - 2230 on the Sabbath day as a venue for religious events ancillary to the chapel and for no other purpose. Members of the public using the marquee shall have vacated the marquee by no later than 22.30.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties. Policies DM01, DM02 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012)

- 5 The Marquee associated with each event shall be dismantled within 48 hours of the conclusion of each event and erected no earlier than 36 hours prior to the commencement of each event.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and to ensure that the proposed development does not affect the setting, interest and value of the Grade II listed building. Policies DM01, DM02 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (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 site is the former Pillar of Fire Society, 19 Brent Street within the ward of West Hendon. However, the building is now principally a hotel although a chapel still exists on the site which is separate from the hotel.

The site is located on the south-west side of Brent Street. The site is located approximately 200m south-east of Brent Street District Town Centre.

The general locality of Brent Street is primarily residential with a mixture of dwellings and flats, with a small number of commercial premises. Buildings vary in size and scale but these include two storey dwellings and residential blocks of 3-4 storeys. To the south of the site are two storey dwellings on Elm Close and Elm Park Gardens, similarly to the north-west are two storey dwellings on Goodyers Gardens. Immediately to the west of the site is Acacia Court, a three storey block of flats. To the south-east is Hendon Adath Yisroel Synagogue.

The site has historically been used as a church with associated bible school and home 'for the rehabilitation of fallen women'. In more recent years, rooms were provided by the Society for those in need of short-term accommodation, with some dormitory-style rooms, with the provision of shared facilities including dining facilities. This use was akin to a hostel, as a significant level of care does not seem to have been provided. There are 4 self-contained flats within the building, some of which are currently occupied as dwellings.

The building predominantly features a quadrangle with a central open courtyard and a coach house style building to the north. There are areas to the immediate west and north which are undeveloped and are used as car parking.

The former chapel building is a Grade II listed building and the remainder of the site is listed by association with the chapel. The building dates back to 1893.

Permission was granted to convert part of the site to a 22 bedroom hotel under reference H/02272/10 and the site is now being used to serve this purpose.

### **2. Site History**

Reference: 15/06705/FUL

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Demolition of an existing wooden outbuilding and removal of shipping container to be replaced with a brick built structure of identical dimensions to the wooden outbuilding being demolished

Decision: Approved subject to conditions

Decision date: 25 January 2016

Reference: H/03781/13

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of boundary gates and formation of emergency access

Decision: Refused (Dismissed at appeal)

Decision date: 10 October 2013

Reference: H/01144/12

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Use of land at rear for erection of marquee in connection with the chapel. The marquee would be used for up to 40 events per year. Provision of 20 additional parking spaces

Decision: Refused

Reason: The proposed marquee, by reason of its siting, size, length of time for which it is required and associated general activity, would have a harmful impact on the residential amenities of neighbouring residents. It would be contrary to policies D5 and Env12 of the Adopted Barnet Unitary Development Plan 2006, and policies DM01 and DM04 of the Development Management Policies (Examination in Public Stage 2012).

Decision date: 11 July 2012

Reference: H/03297/11

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of alteration to first floor windows and increase in height and depth of existing windows to match

Decision: Approved subject to conditions

Decision date: 2 November 2011

Reference: H/00273/11

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of gates and alterations to fence to facilitate creation of vehicular access to Elm Park Gardens to enable emergency access

Decision: Refused

Reason: The vehicular access due to its siting at the end of a residential cul-de-sac would result in additional comings and goings, detrimental to the character of the area and the residential amenities of occupiers or neighbouring residential properties, contrary to policies GBEnv1 and D2 of the Barnet Adopted Unitary Development Plan (2006)

Decision date: 19 September 2011

Reference: H/02272/10

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Change of use of former hostel areas to C1 hotel, with ancillary parking

Decision: Approved subject to conditions

Decision date: 28 July 2010

### **3. Proposal**

The application seeks planning consent for the use of land at rear for the erection of marquee for social gatherings in connection with the existing chapel. The marquee is to be used for the serving of refreshments and receptions on Sabbaths and Festival Days for use of up to 10 events per year and would not be used for any other form of gathering i.e. concerts, school shows, auctions or similar activities.

Noise would be limited to normal levels of conversation and occasional raised voices produced within the marquee. No speech amplification or music would occur. The proposed use of the marquee will be from 11:00am - 22.30pm on Saturdays (Sabbath) with enabling set-up from 08:00am. The marquee will be used ancillary to the chapel on religious days there will be no guest vehicles entering or leaving, however before and after a function within the marquee there would be occasional noise from the movement of delivery vehicles. The marquee would be used by up to 175 people and would be acoustically lined. A sound report accompanies the application.

### **4. Public Consultation**

Consultation letters were sent to 122 neighbouring properties.

17 responses have been received in opposition to the application on the following

- Use would attract 175+ people and result in the increased comings and outgoings of visitors attending the events. This would result in an increased level of noise, disturbance and traffic and parking pressures/ congestion from those attending functions to the detriment of neighbouring residents
- Use would result in the accumulation and external storage of refuse in close proximity to the adjoining boundary with neighbouring residential properties
- Marquee has previously had television screens and amplified music, disco and consumption of alcohol on the premises. Increase in anti-social behaviour as a result of on-site alcohol consumption by those attending functions in close proximity to neighbouring residential properties
- Loss of outlook and privacy to residential neighbouring properties
- Impact on Grade II Listed building
- Use is not appropriate for the area
- Impracticality and/or lack of enforcement in the event of a breach of planning regulations

9 responses of support were received. These are on the grounds that the proposal have improved the appearance of the area and brought additional employment benefits.

#### Internal /Other Consultations:

Traffic & Development: No objection

Environmental Health: In the past complaints have been received in regards to noise emanating from 19 Brent Street: -

PHCP03/11/05113 - Amplified speech from large marquee resident on Elm Prk Gds - not witnessed - alleged 3no. events that year so far, complaint received in May, reported to planning and EH via VIP complaint.

PHCP03/12/83116 - Loud music - resident lives on Brent Street - afternoon - 12:30 - Stat nuisance witnessed

PHCP03/12/83117 - 2012 11:30 am - noise from setting up bouncy castle, nfa comp dealt with hotel instead.

Although the marquee will not be in use after 22:30 in the past complaints have been made by neighbouring properties during the day so it's not so much the times of use but more the activities that could increase nuisance complaints.

There is no objection to the marquee but no speakers should be in the marquee as it provides no attenuation. I would advise prohibiting music in the marquee or ensure it is controlled to be low level so not heard by surrounding properties.

## 5. Planning Considerations

### 5.1 Policy Context

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

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

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04

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**

### Introduction

A similar application was refused following planning application ref H/01144/12. Conversely, the applications sought planning permission for an increased number of 40 events per year and was refused by reason of its siting, size, length of time for which it is required and associated general activity.

This application now proposes a reduction from 40 to 10 events, the dismantling of the marquee after each event, a reduction in floor area of the marquee and confirmation that the marquee and the usage would only take place on weekends.

### Impact on the character and appearance of the area

The application seeks planning consent for the use of land at rear for the erection of marquee for social gatherings in connection with the existing chapel. The area at the rear of the property is an open tarmac area which is currently used as a play area. A standard marquee would be of a conventional canvas construction and would be erected, dismantled and removed from the site on events days. The marquee would have a width of 13.9m and a depth of 21m. It would be 16m from the western boundary with 17 Elm Park Avenue. Its siting relative to the area in which it would occupy in conjunction with its ancillary use confined to events days is not considered to adversely impact the character and appearance of the host property and local area. In addition, given the process of demounting after every event, the impact on the character and appearance of the area and its relationship with the existing buildings on the site would be limited and acceptable.

### Impact on the listed building

The use of the marquee would be limited, intermittent and temporary. It would not be attached to the listed building and would interfere with the fabric of the listed building. The limited frequency of the installation of the marquee would ensure that the setting, interest and value of the listed building would not be harmed and there would not be any impact on this.

### Impact on the amenity of adjoining occupiers

The principal amenity impact arising from the development would be the noise levels that would occur given the location of the marquee close to the boundary with Elm Close and Elm Park Gardens properties. The nearest adjoining property is no 17 Elm Park. The marquee would be set away a distance of approx. 20m from this neighbouring occupier, approx. 50m from No 1 Acacia Court and approx. 30m from nos. 6 – 10 Goodyers' Gardens. Given these distances it is considered that there would be little or no impact in regards to loss of light, outlook and privacy

The marquee is to be used for receptions associated with Sabbath days on up to 10 events per year. According to the Planning Statement, the marquee would not be used for any other form of gathering i.e. concerts, school shows, auctions or similar activities and would operate between 11.00am - 22.30am with set up from 08.00am. Objections have been received in relation to this application concerning the noise impact. In addition, Environmental Health are in receipt of some occasional noise complaints. Finally, a planning application was refused in 2012 for the erection of a marquee for over 40 events per year because of the likely impact on neighbouring properties. As such, the reduction in the number of events to just 10 per year would constitute a significant improvement on amenity grounds which would limit the impact. It should be noted that The Town and Country Planning (General Permitted Development) Order 2015 at Part 4 Class B permits the temporary uses of land on 28 days per year as well as the erection of any moveable structures associated with the use. In effect, planning permission is deemed to be granted through the Order for the use of the land and the marquee.

Environmental Health has reviewed the application and given the level of past noise and nuisance complaints as a result of events on site, strongly recommended a condition prohibiting amplified sound or music to ensure that noise levels are controlled for the benefit of surrounding residential properties.

Despite the objections received against this application, with the use of conditions set out at the top of this report to limit amplification of speech, music and noise the principal source of noise would be limited to normal levels of conversation and occasional raised voices generated within the marquee. No amplification of speech, sound or music would occur. The applicant has advised that the marquee would be acoustically lined and a sound report accompanies the application.

Although issues have been addressed in the submitted supporting planning statement insofar as noise calculations of unamplified noise emissions from associated general activity given that objections have been submitted on the grounds of noise, disturbance and traffic issues, conditions have been attached to ensure the attenuation of these circumstances. A breach of these conditions would therefore result in the LPA being able to consider whether taking action would be appropriate.

#### Impact on highways

The hotel (and the chapel) is accessed from Brent Street and car parking is provided directly from Bethel Close. The proposed development would benefit from access to car parking. The use of the marquee would be for Sabbath. On the Sabbath, there will be no guest vehicles entering or leaving, however before and after a function within the marquee there would be occasional noise from the movement of delivery vehicles. Attendees benefit from good public transport facilities. The 83, 240, and 183 routes pass the site, which travel between Golders Green Station, Edgware, Pinner, Wembley and Ealing. Within 5 minutes' walk lies Hendon Central Underground Station. However, there would be 20 car parking spaces at the venue. It is therefore considered that there would not be any harmful highways impact.

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

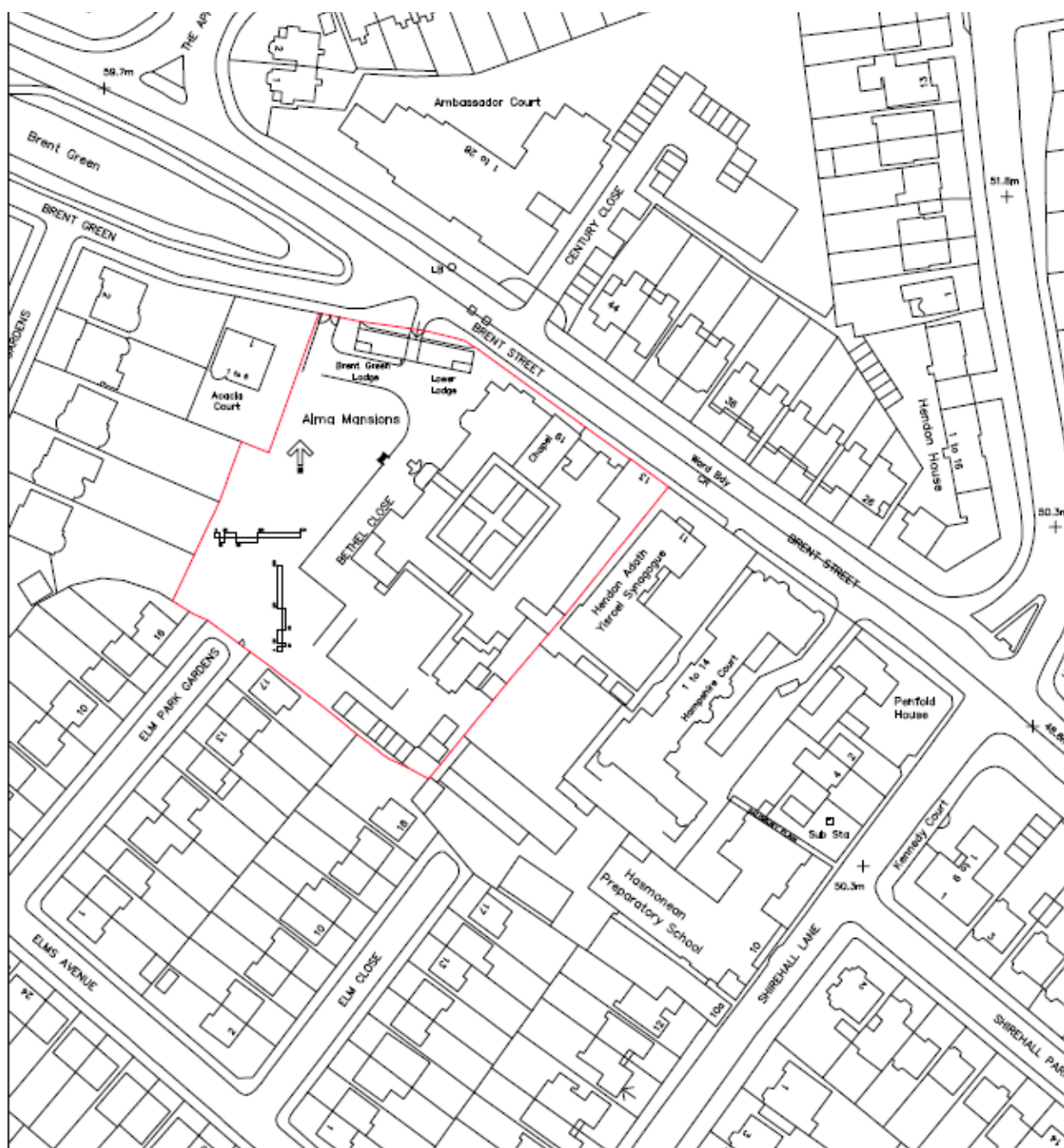
All material planning considerations have been addressed accordingly in the main body of the report.

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

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

## **7. Conclusion**

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



**Location**                      **59 Brent Street London NW4 2EA**

**Reference:**                      **17/3780/FUL**

Received: 13th June 2017

Accepted: 13th June 2017

Ward:                              Hendon

Expiry 8th August 2017

Applicant:

Proposal:                      Change of use from existing ground floor estate agents to amusement centre (adult gaming centre)

## AGENDA ITEM 12

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 0617/GT/01; design and access statement -roger etchells & co.

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.

- 4     The use hereby permitted shall not be open to members of the public before 9am or after 12am on weekdays and Saturdays or before 9am or after 11pm on Sundays and Bank and Public Holidays.

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

- 5 a) No development shall take place until details of the security measures to be incorporated into the proposal in line with secured by design 2015 version 2 have been submitted to and approved in writing by the Local Planning Authority.

b) The security measures as part of this development shall be implemented in accordance with the details approved under this condition before the site is first occupied or the use first commences and retained as such thereafter.

Reason: To ensure a safe form of development and to protect the amenities of the area, in accordance with Policies DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 7 The level of noise emitted from the air conditioning 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.

- 8 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from

the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

**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 the ground floor of a three storey building located in an existing shopping parade. The site falls outside the primary and secondary retail frontage of Brent Street. The site is flanked by a cafe and access point to the rear car park. The next building is a kosher butchers.

The rear building on the site is occupied as an accountants with a rear car park.

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

### **2. Site History**

N/A

### **3. Proposal**

The application relates to a change of use from existing ground floor estate agents to amusement centre (adult gaming centre). The proposal will maintain a separate entrance to the upstairs office. The floor layout at ground floor level will remain as existing with an area of 65.84sqm including lobby/kitchen and toilet area.

The adult gaming centre will be prohibited to under 18 year olds.

Any alterations to the shop front and new fascia board will be subject to a separate application.

### **4. Public Consultation**

Consultation letters were sent to 106 neighbouring properties.

15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

- Risk of crime, increased security risk, rise in gambling shops has a correlation to crime as expressed by local Met Office, anti-social behaviour. Less reputable people and would put other families, younger people off from using this area and local restaurants in the evenings.
- Proposal will change the nature of the area.
- Encourage gambling and entertainment which currently doesn't exist.
- Increased traffic and parking problems. No control over parking for use of the site.
- Will not bring any positive impact to the local area.
- Detrimental to the high street.
- Not family friendly.
- Gambling statistically negatively effects communities with money being spent that individuals can ill afford to lose, this will result in the council covering this gap.
- Many children walk to school passed this shop and it would be irresponsible to allow them to view such uses. Negative impact on children. Does not protect the morals of children. Unit is located by a bus stop used by school children.
- Impact on local shops as would discourage people from using this area.
- Under 18s will get into the unit which is illegal.

Highways - No objections to the proposal when taking into account the existing controls and the type of use proposed.

Environmental Health - No objections to the proposal 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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM12, 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.  
Secured By Design Commercial 2015 version 2 guide.

## **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**

### Land use

The site does not fall within a designated retail frontage as specified within Barnet's Development Management Plan Policies, with the primary retail frontage of Brent Street starting at 61 Brent Street to 131 Brent Street. The site therefore falls on the edges of the town centre. The existing lawful use of the unit is A2 having being used as an estate agents and therefore its loss in terms of the vitality and viability of the shopping parade is not considered to be significant. The proposed adult gaming centre is considered to be an appropriate business use within the edge of a town centre location. It is noted that there are a number of different uses within the surrounding area including retail including specialist shops, restaurants and professional services. The introduction of a gaming centre is not considered to be harmful to the way the area functions or introduce a use that is compatible with the established uses.

### Impact on the amenities of neighbours

It is noted that the floorspace above is occupied as residential accommodation, the Environmental Health team have considered the proposed use and likely noise generated by the machines and given the location of the unit it is not considered that the proposal will be harmful to surrounding residential occupiers. There is expected to be a level of comings and goings that is in keeping with the established movement pattern.

The applicant has submitted a survey of an existing amusement centre at Wembley High Road to assess the pedestrian flow during day time hours, this survey was conducted between 11am and 2.15pm with a count every 15 minutes. This shows a comparable footfall for the amusement centre and a Specsavers, a greater number of people visited the gaming centre than a ladieswear shop but this difference was not significant to a degree that there would not be a significant increase in movement that would warrant refusal of the application. It is noted that there are limitations to the survey provided, however, it is indicative to the typical comings and goings of such a use.

### Environmental Health Matters

The associated footfall and noise generated is not expected to result in a detrimental impact on the amenity of neighbouring occupiers.

The EH team have reviewed the proposal and consider that the proposal with restricted opening hours in line with surrounding restaurant uses and the incorporation of sound insulation that the proposal can be supported. The details of sound insulation are to be secured by way of condition.

### Traffic and Parking

There is no vehicle parking standards for a gaming centre use and as such the proposal does not give rise to any parking requirement in policy terms. No changes to the pedestrian access or refuse collection arrangements are being proposed and therefore the

proposal does not give rise to any pedestrian or refuse/servicing requirements that would impact the freeflow of traffic or pedestrian safety. It is noted that the site is located in an area with controlled parking and as such it is not considered necessary to implement any further controls. The users of the site will be obligated to abide with the existing highways controls.

#### Security and crime

The police have been consulted and given the sites location and the presence of three existing bookmakers consider that the proposal should be designed to incorporate measures to prevent anti-social behaviour, the police have recommended that the premises is built in accordance with the Secured By Design Commercial 2015 version 2 guide. Further points of recommendation include the installation of CCTV, use of intercom system for entry to the building, use of air conditioning to prevent the door from being propped open. There are a number of measures that can be adopted to help prevent any unsocial behaviour. The agent has advised that measures will be incorporated within the proposal and these will be detailed when applying for the license of the property.

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

Concerns are raised in relation to the increased traffic and parking in the street and surrounding streets. The traffic and development team have reviewed the proposal and considered that the application is acceptable. Brent Street falls within a business controlled parking zone and as such any users of the site will be subject to the same traffic and parking controls as other users of Brent Street.

Concerns have been raised in relation the impact of the proposed change of use on the High Street. It is noted that the site falls outside the designated retail frontage of Brent Street and as such the proposal is not considered to be harmful to the vitality and viability of the town centre. It is also noted that the lawful use is an A2 unit and as such the requirement of providing marketing information for the unit is not relevant in this case.

Objections have been raised in regards to the impact the proposed use will have on children and encouraging a type of use that children should not be exposed to. The use of the adult gaming centre by under 18s will be under separate control and would not be a planning matter.

Objections have been raised relating to the security of such a use and whether the gaming centre use will encourage anti-social behaviour, encourage users to loiter in the street and attract activity at unsocial hours. The police have reviewed the proposal and have suggested a number of measures that can be incorporated into the proposal that will mitigate against anti-social behaviour and crime. The agent has confirmed a commitment to building in compliance with the recommendations of secured by design and detailed measures will be incorporated within a licensing application at a later stage.

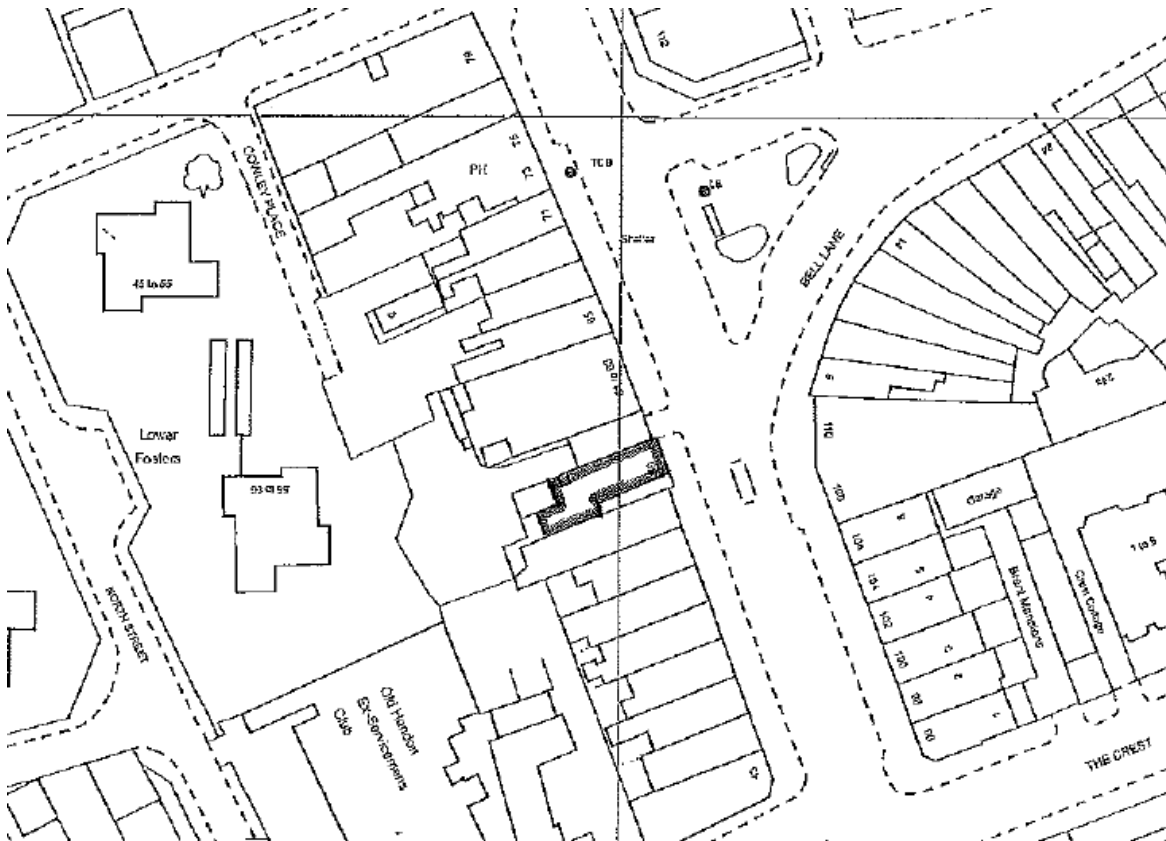
In regards to concerns raised in relation to noise and disturbance and noise break out from the unit to surrounding street and the residential units has been considered by the Environmental Health team and planning officers, it is noted that the proposal will be subject to sound insulation to prevent noise breakout to the streets from the machines within the building. The upper floors of the unit are currently used as office space and as such there is no direct impact on residential occupiers.

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

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

## 7. Conclusion

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



**Location**                      **47 Finchley Lane London NW4 1BY**

**Reference:**                      **17/4134/FUL**

Received: 28th June 2017

Accepted: 7th July 2017

**Ward:**                              Hendon

Expiry 1st September 2017

**Applicant:**                      Even Hotel Management Ltd

**Proposal:**                      Demolition of the existing house and workshop and erection of a two storey building plus basement and rooms in roof space comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on site parking (AMENDED PLANS)

AGENDA ITEM 13

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- 001 Rev A - Site Location Plan
- 110 Rev B - Proposed Site Plan
- 111 Rev B - Site Plan, Comparison between Existing and Proposed Footprints
- 210 Rev A - Proposed Floor Plans
- 410 Rev A - Proposed Elevations
- 411 Rev B - Street Elevations
- 412 Rev B - Eaves Height Sections
- 910 Rev B - 3D Views
- 911 Rev A - CGI Finchley Lane Looking East
- 912 Rev A - CGI Finchley Lane South Elevation
- Design and Access Statement

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 110 Rev A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

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

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

- 9 a) 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).

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

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

- 11 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.

- 12 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 13 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 184 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy

CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

**Informative(s):**

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

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

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy,

please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

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

## **Officer's Assessment**

### **1. Site Description**

The application site comprises a triangular shaped plot of land, located on the northern side of Finchley Lane and bounded by Tenterden Grove to the north.

The site lies on the outside of the north-eastern edge of the Brent Street Town Centre. The existing property is not listed and the site does not lie within a conservation area.

There are purpose built blocks of flats to the east (Natalie Court) and to the north (Raymead and Winsford Court). Opposite the site, on the south side of Finchley Lane, is Hendon Baptist Church and Nancy Reuben Primary School.

### **2. Site History**

Reference: 17/1174/FUL

Address: 47 Finchley Lane

Decision: Refused

Decision Date: 27.4.2017

Demolition of the existing house and workshop and erection of three storey building plus basement to provide 8no self-contained flats. Associated refuse and recycling, cycle store, amenity space and parking

### **3. Proposal**

Demolition of the existing house and workshop and erection of a two storey building plus basement and rooms in roof space (4 storeys) comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on-site parking.

The proposed external materials are a red brick, metal cladding and slate roof. Balconies will have glass balustrade balconies. Windows and doors will be powder coated aluminium.

4 no. off street parking spaces would be provided, accessed from Tenterden Grove.

### **4. Public Consultation**

Consultation letters were sent to 78 neighbouring properties.

Amended drawings were received on 16th August 2017 and neighbours were re-consulted for 14 days.

23 responses have been received, comprising 15 letters of objection and 8 letters of support.

The objections received can be summarised as follows:

- Size, bulk, mass and height is too large for the proposed site;
- Out of keeping with the other buildings in the area;
- Overdevelopment of the site;
- Overprovision of flats in the area;

- Overlooking;
- Overshadowing;
- Increase in traffic;
- Inadequate parking provision
- Proximity to neighbouring boundary
- Highway Safety issues
- Inadequate amenity space
- Loss of light
- Loss of visual amenity

The letters of support received can be summarised as follows:

- Fully support this project
- Will improve the area
- Good design, will replace the existing eyesore

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

### Supplementary Planning Documents

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 development for flats;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate accommodation is provided for future occupiers;
- Highways and parking provision.

## **5.3 Assessment of proposals**

Planning application 17/1174/FUL, which proposed demolition of the existing building on site and construction a new building with a maximum height of 4 storeys to provide 5no. self-contained flats, was refused on 27th April 2017 for design, bulk and massing and quality of accommodation reasons.

The current application seeks to overcome the previous reasons for refusal by way of an amended design, with a reduction in the number of units proposed from 8 no. to 5 no.

### Amended drawings

Amended drawings were received on 16th August 2017 showing the following changes:

- Number of car parking spaces reduced from 5 no. to 4 no in response to Highways comments.
- Increase in amount of private amenity space in the form of new and enlarged balconies.

Further amended drawings were received on 6th October 2017, showing the existing landscaped area at the western tip of the site removed from the application site as this land does not fall within the applicant's ownership. This area was originally proposed to become public seating but will now remain as existing.

### Principle of development

In assessing whether flats are appropriate in this location, Barnet policy DM01 of the Development Management Policies document states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

From conducting a site visit and a desk-based analysis, it is evident that along this stretch of Finchley Lane, there is a mixture of single family units, flat conversions and new flatted

developments. Planning Officers are therefore of the opinion that the loss of a single family dwelling can be accepted in this instance and the principle of redeveloping the site for flats is considered appropriate.

The location of the site on the edge of the Brent Street Town Centre designation is considered to hold further favourable weight in terms of the appropriateness of flats. However, while the principle may be considered acceptable, the overall acceptance of any scheme on this site will be dependent on all other matters being considered acceptable.

The proposed development would provide a mix of dwelling types, comprising 1 x 1 bedroom unit, 2 x 2 bedroom units and 2 x 3 bedroom units. The proposed mix of dwellings is considered to be appropriate and does not raise any specific concerns.

#### Impact on the character and appearance of the site, streetscene and wider locality

Barnet policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

When assessing the context of the street, Finchley Lane consists of a variety of densities and property styles, with the middle and eastern end of the street being of a lower density, comprising mainly of large two-storey detached and semi-detached properties. Whereas, the western end of the street consists of a higher density and commercial premises, with the beginning of the boundary of the Brent Street Town Centre.

The application site has an unusual form which is wider at the eastern end and becomes narrower and awkward in shape towards the western tip. At present, the building is sited on the wider end of the plot and has a fairly long, narrow footprint with a central two-storey element and is set back within the plot from the public footpath. Due to the topography of the whole site, the western end of the site is built up with a large retaining brick wall, with a further timber fence on top to provide privacy of the garden.

The refused scheme (17/1174/FUL) comprised a 4 storey building including basement car parking area with a significant footprint, massing, bulk and height, occupying a large proportion of the site. The height of four storeys was considered to be excessive, not consistent with this part / side of Finchley Lane, resulting in a poor relationship with neighbouring buildings.

The current scheme reduces the height, scale, bulk and mass of the previous scheme and locates built form to the eastern end of the site where the site is at its deepest between Finchley Lane and Tenderden Grove.

Two gable ended blocks are proposed, linked by a central circulation core. Accommodation is spread over 4 floors including both at basement level and within roof space, reducing the overall height compared to the refused scheme.

Both blocks are dual pitched with a north south orientation, the front and rear gables facing towards Finchley Lane and Tenderden Grove respectively, with the primary aspect to the south onto Finchley Lane.

The primary level access entrance into the building is from Finchley Lane with a secondary entrance off Tenderden Grove.

Car parking is located to the western side of the building with access off Tenterden Grove. 4 no. spaces are proposed.

Lightwells are provided to the northern and southern sides of the building providing natural light and ventilation to basement accommodation. A combination of the lightwells and suitable soft landscape also create defensible space to the ground floor accommodation which front onto both Finchley Lane and Tenterden Grove.

The current proposal is reduced in terms of bulk and massing compared to the refused scheme with the building presenting as of similar vertical scale to that of Natalie Court to the west of the site with eaves lines running through. The overall scale of the building is also broken down through its amended form with 2 blocks of accommodation linked with a set back circulation core breaking up the form and mass onto Finchley Lane and Tenterden Grove and allowing views through to Tenterden Grove from Finchley Lane.

The footprint scale of the current scheme is also reduced compared to the refused scheme with the building located within the wider eastern side of the site, with the western side taken up by open parking areas and soft landscaping areas.

The current scheme is considered to have an improved relationship to the Hendon Baptist Church opposite the site on Finchley Lane, due to the gable ended form of the proposed blocks.

A more traditional approach to the form of the scheme has been adopted, addressing the second reason for refusal of the previous scheme, albeit the aesthetical approach is contemporary.

The gable ends of each block which front onto Finchley Lane and Tenterden Grove are framed in brickwork with an infill of glazing and metal cladding.

Dormers are included to the western elevation serving the top floor apartment located within the roof space of both blocks.

Balconies are proposed on the north, south and west elevations. All balustrades to balconies and around lightwells are to be glass.

Based on the above described details, it is considered that the scheme proposed by the current application has overcome Officers previous concerns and would not cause harm to the character and appearance of the existing site, streetscene and wider locality and is therefore acceptable in this respect.

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

The main amenity impacts to be assessed are to the adjacent building (Natalie Court) to the east and the residential blocks of Raymead and Winsford Court to the north. In terms of Natalie Court, there are 2 dormer windows which face onto the application site. The east elevation of the proposed development has no windows.

Ground and first floor balconies are proposed to the south and north elevations of the proposed development, however, subject to suitable privacy screening, it is not considered that these will result in cause harm to the living conditions of the occupants of Natalie Court to the east.

Both Raymead and Winsford Court are sited approximately 25 metres from the proposed development. Barnet's Residential Design Guidance SPD (2016) states in relation to privacy and outlook, that in new residential developments, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. The separation distances between the proposed development and the existing buildings to the north would meet this standard and as such Planning Officers do not consider that overlooking would be a significant issue in this instance.

The letters of representation also raise the concern of the potential overshadowing created from the proposed development. However, Planning Officers would consider that given the distance between the sites, it is unlikely that the proposed development would result in unacceptable impacts of loss of light or overshadowing.

#### Whether adequate accommodation is provided 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. The proposal consists of the following units:

Flat 1 - 2b4p 90sq.m  
Flat 2 - 3b6p 119sq.m  
Flat 3 - 1b2p 45sq.m  
Flat 4 - 2b3p 60sq.m  
Flat 5 - 3b5p 102sq.m

With the exception of flats 3 and 4, all of the units would exceed the minimum space standards.

In terms of flat 3, it measures 45sq.m. The London Plan states that a 1b2p flat should have a minimum size of 50sq.m and as such there would be a shortfall of 5sq.m. However the flat benefits from two balconies of 6 sq m and 5 sq m respectively and for this reason the 5 sq m GIA shortfall is considered to be acceptable in this instance.

Two flats are located within the basement but are arranged as a duplex unit with the accommodation at lower ground floor being bedrooms. The quality of accommodation would therefore not be harmed.

At 60 sqm, flat 4 is 1 sq m short of the minimum floorspace but also benefits from 2 balconies of 9 sq m and 4 sq m and is therefore considered to be acceptable in this instance.

Each of the proposed flats have been provided with a form of private amenity space. Barnet's Sustainable Design and Construction SPD states that for flats, 5sq.m of external amenity space should be provided per habitable room.

Amended drawings were provided during the application process showing additional private amenity space added in the form of new balconies added to Units 3, 4 and 5.

The private amenity space provision for each flat would therefore be:

Flat 1 - 14 sq m  
Flat 2 - 11 sq m

Flat 3 - 11 sq m  
Flat 4 - 13 sq m  
Flat 5 - 18 sq m.

Whilst the private amenity space provision would fall short of 5 sqm per habitable room, the amount provided has been increased since the original submission and overall level of provision is now considered to be acceptable.

#### Highways and parking provision

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

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

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

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

1 x 1b = a range of (0.0 - 1.0) = 0.0 - 1.0 parking spaces required  
2 x 2b = a range of (1.0 - 1.5) = 2.0 - 3.0 parking spaces required  
2 x 3b = a range of (1.0 - 1.5) = 2.0 - 3.0 parking spaces required

This equates to a range of parking provision of between 4 to 6 parking spaces to meet the Barnet Local Plan parking standards contained in Policy DM17.

4 parking spaces are being provided, accessed from Tenterden Grove which is considered to be acceptable.

A cycle store is proposed at lower ground floor level. 9 no. cycle spaces are required in accordance with the London Plan Cycle Parking Standards and a suitable planning condition will be attached to any planning permission in order to secure these.

#### 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% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached 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.

The refuse storage is to be located at the east end of the site. This is easily accessible from Tenterden Grove.

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

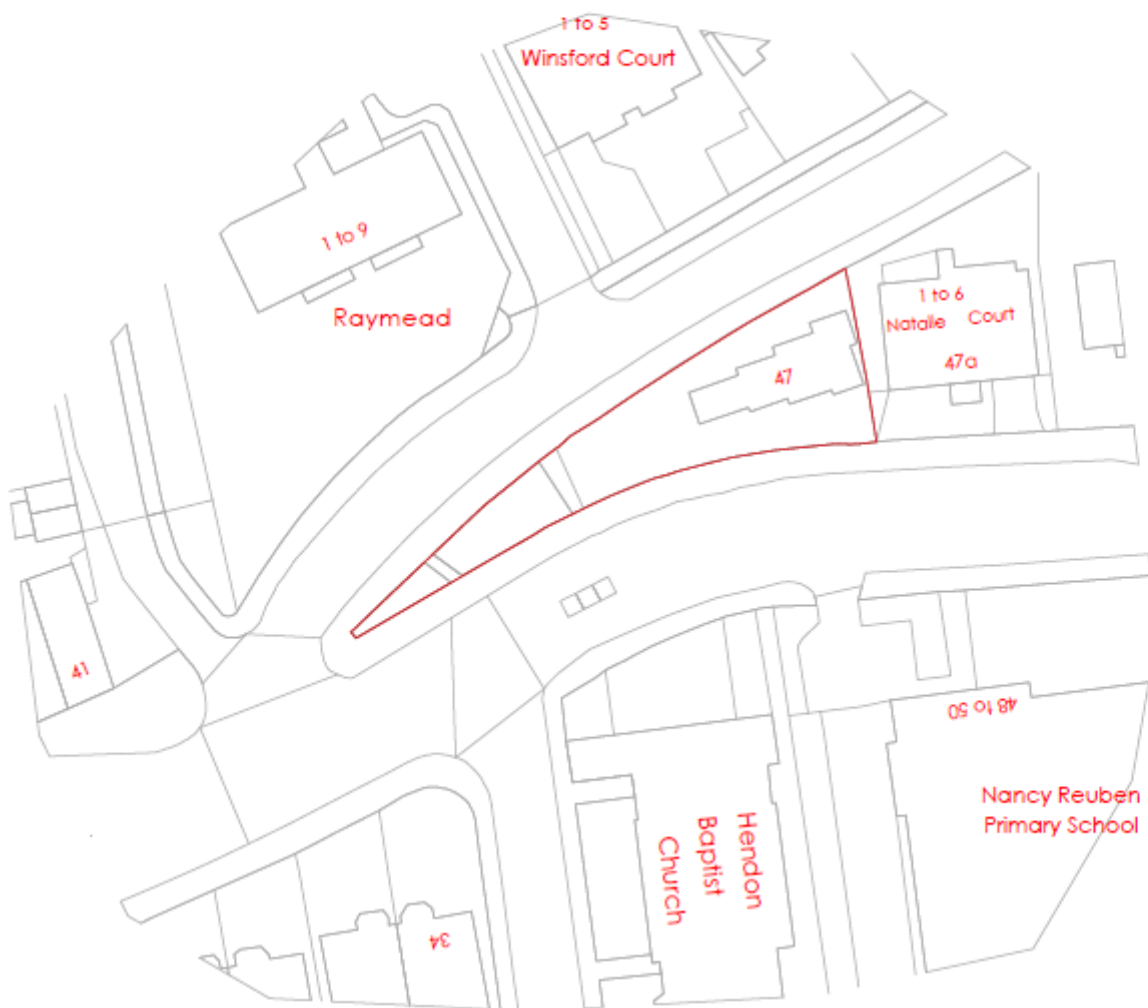
The issues raised within the letters of representations have been addressed throughout the report.

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

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

#### **7. Conclusion**

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



|                   |                                                                                                                                                                                                                                 |                         |                       |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| <b>Location</b>   | <b>North Land Of Garrick Estate Garrick Industrial Centre Irving Way<br/>London NW9 6AQ</b>                                                                                                                                     |                         | <b>AGENDA ITEM 14</b> |
| <b>Reference:</b> | <b>17/3350/FUL</b>                                                                                                                                                                                                              | Received: 24th May 2017 |                       |
|                   |                                                                                                                                                                                                                                 | Accepted: 24th May 2017 |                       |
| <b>Ward:</b>      | Colindale                                                                                                                                                                                                                       | Expiry 23rd August 2017 |                       |
| <b>Applicant:</b> | .                                                                                                                                                                                                                               |                         |                       |
| <b>Proposal:</b>  | Erection of 2 No. units comprising a total of 3,020sqm within flexible Use Classes B1(Business), B2 (Food Processing) and B8 (Storage and Distribution) including 45 no. new parking spaces, cycle storage and associated works |                         |                       |

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: MP\_00\_0000 P1; MP\_00\_0200 P1; MP\_00\_0201 P1; B1\_02\_2200 P1; B1\_02\_2201 P1; B1\_02\_2202 P1; B1\_04\_2200 P1; B1\_04\_2201 P1; B1\_05\_2200 P1; B1\_04\_2202 P1.

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

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

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any

other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

b) The green walls shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory

points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

## 7 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be

submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

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

- 8 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

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

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

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

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

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of

Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

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

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

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

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.
- xi. Provide details that a asbestos survey has been carried out.

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

- 15 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

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

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

- 29 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

- 30 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04

of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 31 The level of noise emitted from the extraction and ventilation and any other 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.

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

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

- 33 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority
- b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 34 Prior to the first occupation of the development hereby approved details of the PV panels including specifications and roof plan shall be provided. 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.

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

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

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

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

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

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

- 2 Local records exist for Giant Hogweed. It has been recommended that this species, and any other listed within the Wildlife and Countryside Act 1981 (as amended), is surveyed as part of any initial assessment, within the excavation area, prior to work.

If encountered, the plant itself and soil containing propagules will be considered as contaminated waste. To dispose of this (off site) will require a Controlled Waste Permit.

Japanese knotweed has been identified on site. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal for operations to cause it to spread elsewhere. Removing the material offsite requires an Environmental Waste Permit and Waste Carrier License arrangements. Therefore, all operational activity and movement including tracking pathways, PPE, storage and transfer of materials are advised to

be vetted for potential spread pathways of this species. Good biosecurity protocols and control of spread pathways are advised.

- 3 This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Silk Stream, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.
- 4 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
  - Flue(s) must be 1.5 m\* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. \*If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
  - 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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.
- 5 The applicant is advised that prior to carrying out any construction works on public highway trial holes must be carried out in order to locate and to identify the cover depth of all existing services affected by the proposed highway works. Prior to excavating the trial holes the applicant is advised to contact the highway's Development Control Section in order to arrange a site meeting and agree the location of the proposed trial holes and to ensure that a Council's Highway Engineer is present to witness the trial holes and record the cover depths of all services exposed. The application for the proposed highway works will only be registered for processing once the trial holes have been carried out on site in the presence of a Highway Engineer. The applicant will require a work permit licence from the Council prior to carrying out any trial holes on public highway. The address and contact details for the Development Control Team is as follows. Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.
- 6 Please note that aside from planning permission, any works within 8m of the watercourse may also require consent for works under the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. For further information the applicant should contact a Flood Risk Officer on 01707 632419.

- 7 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for approval. Any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.  
The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway. To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.
- 8 The applicant is advised that any alterations if required to the existing waiting and loading restrictions on public highway as a result of the proposed development will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 9 The applicant is advised that Wilberforce Road is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00am-9.30am & 4.30pm-6.30pm Mon-Fri. Careful consideration must also be given to the optimum route(s) for construction traffic. Please contact Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555 for further advice.
- 10 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 11 The applicant is advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular access in accordance with the Manual for Streets.

## **Officer's Assessment**

### **1. Site Description**

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

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

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

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

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

Garrick Road estate is bound to the west by the Silk Stream, Sainsbury's and Toyota Garage; and to the east by the railway line and M1 motorway. Residential uses lie to the north and south of the Estate.

The site comprises land to the north of the existing units at the estate, the proposal comprises of two new industrial units, the first area is situated to the north of existing units and includes part of the existing car park as well as a low quality landscape bund beyond. The second area, situated between Units 17 and 18 to the south of Unit 18, has been identified for additional parking provision to serve the GRIE. The site area comprises 0.94 hectares.

### **2. Site History**

Reference: 15/04144/FUL

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

Decision: Refused

Decision Date: 29 July 2016

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

*The proposals by reason of their siting, size, proximity to residential properties, visual appearance and loss of the existing mound and trees would be a un-neighbourly, visually dominating and obtrusive form of development that would be harmful to the visual amenities of the occupiers of properties at 2-28 Colin Drive and 178 Colin Gardens. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.*

*The proposed development by reason of the siting of the units and associated car parking and hours of use would result in harmful noise and disturbance from general activity, that*

would be detrimental to the residential amenities of the occupiers of properties at 2-28 Colin Drive and 178 Colin Gardens. This would be contrary to policies DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.

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

The proposed development does not include a formal undertaking to undertake necessary highways works. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

The application subsequently went to appeal under appeal reference APP/N5090/W/16/3156942 and was dismissed for the following reason: the adverse impacts of not providing a planning obligation to provide for the required highway works, Travel Plan and associated financial contributions, would not accord with the development plan as a whole.

The conclusion to the appeal inspectors report read as: *I therefore conclude, on balance, whilst the effect of the proposed development on the living conditions of the nearby residents would be acceptable in relation to outlook, noise and disturbance, the adverse impacts of not providing a planning obligation to provide for the required highway works, Travel Plan and associated financial contributions, would not accord with the development plan as a whole.*

Reference: H/01508/08

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

Decision: Approved subject to conditions

Decision Date: 7 August 2008

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

W01406V - Erection of industrial and warehouse units with ancillary offices, car parking spaces, turning areas, construction of service roads, modified vehicular access and landscaping. - Approved - 09.01.1980

### **3. Proposal**

The application relates to the erection of 2 No. units comprising a total of 3,020sqm within flexible Use Classes B1(Business), B2 (Food Processing) and B8 (Storage and Distribution). Associated parking and other associated works

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

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

The Bread Factory located on the site currently occupies six units on the Estate and has interest in occupying the new unit 25. However, at this stage this has not been confirmed and as such the applicant does not wish to have a specific user listed. Should the Bread Factory take on one or both of the units it is proposed that in order to accommodate The Bread Factory's business model, the Units would need to be operational on a 24 hour basis consistent with its operations elsewhere on the Estate.

If, the units are not to be occupied by the Bread Factory the applicant is willing to accept a condition which restricts the operational hours of the proposed development, the units are to be used for any light industrial (B1(b) or B1(c)) or B8 such uses shall not operate at any time on Sundays, Bank or Public Holidays, or before 5am or after 11pm on any other day.

On this basis the operation hours for The Bread Factory will be 24 hours. Any other user will be restricted to between 5am-11pm.

The buildings will be metal clad with solid brickwork plinths and a suspended green wall system.

This application proposes the creation of 45 car parking spaces including:  
5 disabled spaces;  
5 enlarged spaces; and  
10 electric charging spaces.

It should be noted that there is no material change to the proposed development since the previous application. In addition, there have been no material change to planning policy since the application was previously considered.

The proposal was previously considered on the basis that The Bread Factory would operate on a 24 hour basis.

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

Consultation letters were sent to 67 neighbouring properties.  
33 responses have been received, comprising 33 letters of objection.

The objections received can be summarised as follows:

- Impact on amenity of neighbouring occupiers - noise and disturbance from operations and members of staff coming and going, car stereos being played; reversing vehicles; equipment being moved around; 24 hour operation would make noise through the night worse; units will be overbearing; visually dominating.
- Birds knowing food is on site make an awful sound. This will increase as a result of the proposal.
- Loss of trees - the loss of B category trees is substantial
- Parking - the parking spaces are allocated to specific units and Bread Factory already occupy a disproportionate number of spaces
- Odour from the factory.
- Access - access is often blocked by delivery vans.
- Disruption to business during construction works.
- Asbestos - public health hazard if asbestos is found on site. The report assessing this was not thorough enough.
- Increased traffic during unsocial hours.
- The new parking will disrupt the character of the area.

- Area is now subject to brutal commercial and industrial development, gives an appearance of inner city in the suburbs.
- Air pollution
- Light pollution - from the new units being used at all hours.
- Impact on local ecosystem
- Increased security risk and increased crime
- Rat infestation from use as a food producer
- Local overcrowding
- Impact on property prices
- There is already excessive noise after midnight

Environment Agency - no objections although informatives are suggested in regards to obtaining an environmental permit and a survey to be carried out in regards to invasive species.

Thames Water - no objection subject to informatives relating to prior approval from Thames water for the discharge to a public sewer and petrol/oil receptors to be fitted in parking and car washing areas.

Environmental health - no objection subject to conditions.

Drainage - Acceptable subject to condition to detail a drainage strategy.

Lighting - the application should be subject to conditions for additional lighting information.

Highways - no objections subject to conditions and legal agreement including works to the public highway.

TfL - no comments received.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM14, DM17.

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 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**

Planning permission has previously been sought and refused for the erection of 2 no. two storey B1 (Business), B2 (Food Processing) and B8 (Storage and Distribution) units, including 45 no. new parking spaces, cycle storage and associated works. The proposal was refused dated July 2016. The refusal was a committee decision with the reasons for refusal stating:

*The proposals by reason of their siting, size, proximity to residential properties, visual appearance and loss of the existing mound and trees would be a un-neighbourly, visually dominating and obtrusive form of development that would be harmful to the visual amenities of the occupiers of properties at 2-28 Colin Drive and 178 Colin Gardens. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.*

*The proposed development by reason of the siting of the units and associated car parking and hours of use would result in harmful noise and disturbance from general activity, that*

*would be detrimental to the residential amenities of the occupiers of properties at 2-28 Colin Drive and 178 Colin Gardens. This would be contrary to policies DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.*

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

*The proposed development does not include a formal undertaking to undertake necessary highways works. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).*

The application subsequently went to appeal under appeal reference APP/N5090/W/16/3156942 and was dismissed for the following reason: the adverse impacts of not providing a planning obligation to provide for the required highway works, Travel Plan and associated financial contributions, would not accord with the development plan as a whole.

The current submission has now addressed the reason the appeal was dismissed and has included a signed Unilateral Undertaking to secure a Travel Plan and highways contributions for the proposed highways works necessary to facilitate the proposed development. as

All matters will be addressed as part of the current appraisal.

#### Principle of use

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

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

#### Impact on the character of the area

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

The proposal will in part build on an existing strip of greenspace that currently exists between the industrial estate and the neighbouring residential properties. It is not

considered that the loss of some green space in this location, which is not publically accessible, will be detrimental to the character of the area.

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

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

#### Impact on the amenities of neighbours

In regards to the impact of the proposal on the neighbouring amenities the inspector noted, "given that the height of the units would appear to be similar to that of nearby housing, following the excavation in levels, and the proposed landscaping, including the use of a green wall as a way to ameliorate the impact of the industrial form of the units, I conclude that the proposed development would result in a satisfactory outlook for residents from within their homes and gardens. Therefore, I conclude that two additional units whilst clearly industrial in nature would not have an adverse impact on the outlook of residents of Colin Drive and Colin Gardens."

The inspector also commented on the noise and odour impacts of the development concluding "from the evidence before me, and subject to the imposition of relevant conditions, I conclude the proposed development would not have a detrimental impact on the living conditions of neighbouring residents and would therefore, in respect of impact on noise and disturbance, including from unpleasant smells, accord with Policy DM04 of the LP."

Mitigation measures are proposed in all respects to mitigate any harm to the neighbouring properties, this includes the imposition of an acoustic fence to minimise the noise.

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

Unit 25 will be sited to adjoin Unit 21 which is currently occupied by The Bread Factory. Unit 25 will be sited closest to 2 - 10 Colin Drive and the side elevation of 178 Colin Gardens. The proposed unit is sited approximately 19.3m from the existing boundary at the rear of Colin Drive. A distance of approximately 2.5m is maintained between the existing boundary of the residential units and the proposed acoustic fence. A distance of approximately 34.5m is proposed between the ground floor projection of 2 Colin Drive and the new unit.

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

The existing landscaping bund will be excavated so the building will be built on a lower ground level than currently exists between the site and Colin Drive. The eaves height of the unit will be approximately the same as the eaves height of the residential properties.

Given the distance maintained and the overall height of the proposed units it is considered that the proposal will have a satisfactory relationship to the neighbouring units.

It is noted that as part of the previous approval for the industrial estate under applications W1406V/HQ792A a condition was imposed for this stated "Before any of the buildings hereby permitted are occupied, the landscaped embankment adjacent to the northern boundary of the site shown on submitted drawing No.HE.100 shall be constructed in accordance with details to be agreed with the Local Planning Authority. Following this a further application was submitted under reference W1406AH for the details of the landscaping. This provided a section plan of the proposed landscaping mound and planting along the boundary. The proposal seeks to remove this landscaping mound as part of the current proposal. The Local Planning Authority have assessed the application and taken into consideration the

removal of this landscaping mound to enable the development and are satisfied with the proposal and the loss the previously agreed landscaping. The inspector did not raise any objection to the levelling off of the landscaping bund.

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

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

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

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

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

#### Environmental Health matters

An acoustic fence is proposed to mitigate against noise and disturbance generated by the proposal. The acoustic fence will measure 2.5m but will be set on higher land than the

ground level of the new unit. From the ground level of the new unit the built up land and associated acoustic fence will have a height of 4m to attenuate noise omitted from vehicles in this part of the site. Following discussions with the agent it has been confirmed that in the event the units are occupied by The Bread Factory that most of the vehicles which will serve the proposed Units are non-refrigerated light luton vans (e.g. light good vehicles of 2.5 tonnes) and although rare, the largest vehicle anticipated to be used would be a 16.5m vehicle (3.87m high) (and to be clear, this is not a HGV but is the maximum size of an LGV). Aecom (noise consultants) has subsequently confirmed that the height of the acoustic barrier at 2.5m (approximately 4.07m including the raised ground) will effectively mitigate noise generated by vehicle engines (which are located at a height of approximately 1m and represent the main source of noise in the case of non-refrigerated vehicles).

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

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

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

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

The environmental health team have not raised any issues in regards to air pollution or odour control for the site.

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

## NOISE

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

The planning application details show that the redevelopment/expansion of the Garrick Road Industrial Estate with the two additional proposed units will bring the activities of the industrial estate much closer to the residents on the adjacent residential housing estate. In addition to this as part of the redevelopment the tree covered mound between the residential housing and the industrial estate (which acted as a noise buffer) will be removed to make room for the new industrial units. The noise report shows that there will

be a high number of deliveries during the night, for example between 01.00 - 6.00 there are 64 vehicle movements from 3.5 Tonne Luton Vans and 29 vehicle movements from Jumbo Transit Vans. (93 delivery vehicle movements in total.) Approximately 1 delivery vehicle every 3 minutes with associated unloading /loading activities throughout the night.

As the proposed new units if occupied by The Bread Factory will bring the 24h activities of the industrial estate much closer to the residents than the current operation, there would be a significant risk of noise from delivery vehicles and the activities associated with the deliveries that could cause a disturbance to residents particularly throughout the night.

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

The mitigation proposals to ensure noise is minimised include:

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

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

## ODOUR

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

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

Mitigation proposals to ensure odour is minimised include:

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

These will be secured by way of condition

## Employment

No end user is specified at this stage of the application process, however, strong interest is shown by 'The Bread Factory' which currently operate nearby. They are keen to take the new units to facilitate expansion of their business and enable them to stay in the local area. Notwithstanding this, with regard to The Bread Factory operation the employment level operates as below:

- . The existing workforce on site is 711.
- . 367 employees (51.6%) of the total workforce live within NW9 itself and the post codes that immediately adjoin NW9, as follows:
  - o NW9 x 143
  - o NW7 x 3
  - o NW4 x 41
  - o NW2 x 19
  - o NW10 x 29
  - o HA9 x 36
  - o HA3 x 32
  - o HA7 x 9
  - o HA8 x 55

The Bread Factory's recruitment strategy has a local focus. They have advised that they always advertise vacancies internally in the first instance, on job boards such as Indeed and sometimes with the local job centre. They also have links with South Kilburn Trust.

They do not have a specific recruitment target for their business expansion at this stage, however using the HCA's Employment Density Guide (3rd edition 2015) it is estimated that occupation of the proposed units for Class B2 food processing would generate 84 full time jobs. This would be significant contribution towards the new jobs target set out in Local Plan Policy CS8.

In terms of training opportunities, The Bread Factory have advised that it is very difficult to recruit skilled artisan bakers and so their business model is predicated on recruiting Trainee and Junior Bakers and training them internally to upskill their workforce.

With regard use of local suppliers they use London based wholesalers and suppliers to source their ingredients.

On the basis of the above it is considered that the proposal is acceptable in regards to local employment opportunities.

#### Traffic and parking

The Bread Factory located on the site currently occupies six units on the Estate and has interest in occupying the new unit 25.

It is proposed that in order to accommodate The Bread Factory's business model, the Units would need to be operational on a 24 hour basis consistent with its operations elsewhere on the Estate.

The proposed extension of existing Unit 21 occupied by The Bread Factory:

The applicant has confirmed that currently, the following staffs are employed at the exiting unit over the course of a typical weekday:

- o Morning shift: 15 employees working from 0500 - 1300 hours
- o Mid shift: 15 employees working 1300 - 2100 hours
- o Night shift: 15 employees working 1700 - 0100 hours

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

- o Morning shift: 18 employees working from 0600 - 1600 hours
- o Night shift: 22 employees working 1600 - 0300 hours

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

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

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

#### Parking Provision:

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

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

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

#### Cycle Parking Provision:

18 cycle parking spaces are proposed.

#### Vehicular Access:

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

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

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

The applicant also needs to make alternative provision for the turning head for vehicles including the HGVs. The turning head will need to be constructed in accordance with the Council's adoptable standards and to be offered for adoption under S38 of the Highways Act.

Electrical Vehicle Charging points:

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

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

Public Transport Accessibility Levels (PTAL):

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

Public Transport:

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

Underground Train Station:

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

National Railway Network:

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

Transport Assessment (TA):

The consultants Mayer Brown were appointed to provide advice of Transport Assessment.

Trip Generation:

Existing Trips:

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

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

- o Car driver on your own - 20%
- o Car share with other staff - 6%
- o Car share with someone else / drop off (not staff) - 1%
- o Bus - 40%

- o Walk - 11%
- o Cycle - 3%
- o Motorbike - 1%
- o Train - 11%
- o Underground - 7%
- o Taxi - 0%
- o Other - 0%

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

#### Predicted Trips:

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

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

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

#### Car Park Utilisation:

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

#### Servicing:

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

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

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

#### Junction Capacity Analysis:

The consultants have confirmed that on-site observations undertaken during the Weekday PM peak hour suggest that the existing Garrick Road / Irving Way / Wilberforce Road junction operates within capacity with no notable queuing issues. The predicted traffic flows associated with the proposed development will not materially affect the operation of this junction.

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

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

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

#### Travel Plan:

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

The following Highway works needs to be captured in S106 Agreement of the Town, Country and Planning Act.

- o Stopping Up of the existing public highway within the site under TCPA Section 247.
- o The applicant to provide commitment to construct a new turning head to replace the existing being replaced by the proposed development to adoptable standards and to offer newly constructed turning head for adoption under S38 of the Highways Act.
- o Any associated works on public highway to further the development to be
- o A contribution of £25,000 towards monitoring the objectives of the Travel Plans will be required.

#### S278 Agreement:

Any works affecting public highway including any alterations to public highway will be concluded under Section 278 of the Highways Act 1980 and detailed design drawings of the proposals would need to be submitted to the local Highway Authority for approval prior to commencing any works on public highway.

#### Recommendation:

The application is recommended for approval on highway grounds subject to the above comments, S106 contributions and the following Conditions and Informatives.

SUD's, drainage and flood risk

The drainage team have reviewed the proposed development and have the following comments:

*The proposed development consists of two industrial units and an associated car park. The existing site comprises of brownfield land and is currently only partially developed with a mixture of permeable and impermeable land.*

*The site is predominantly located within Flood Zone 1, however, a very small portion of the development boundary is encroached by Flood Zone 2.*

*The site is classified as 'Less Vulnerable Development' in association with Table 2 of the Planning and Practice Guidance (general industry). In accordance with Table 3 of the Planning and Practice Guidance, 'Less Vulnerable Development' is permitted in Flood Zone 1 and Flood Zone 2. As such, a Flood Risk Assessment is not required.*

*As per the Development Management Procedure Order (2015 update), the proposed development is classified as a 'Minor Development'. Minor developments do not require the use of SuDS, however, The London Plan (Policy 5.13) states that 'Development should utilise SuDS unless there are practical reasons for not doing so'.*

*As a Minor Development, comprehensive documentation of the proposed drainage strategy is not required. However, the applicant is advised to take into consideration the following comments and recommendations:*

*a. The applicant should provide a schematic of the proposed surface water drainage system, highlighting where surface water flows will eventually discharge.*

*b. Any SuDS implemented within the proposed development must be adopted by an Adopting Authority. The applicant should provide proof that the Adopting Authority agrees to take on responsibility for the long-term operation and maintenance of the proposed SuDS.*

The drainage team are satisfied that securing a detailed drainage scheme can be secured by way of condition, the proposal is conditioned accordingly.

The environment agency have also reviewed the proposed development and have the following comments no objection to the proposed development subject to informatives being added to any permission which advice the applicant to apply for an environmental permit for any proposed works or structures, in, under over or within 8 metres of the bank of the Silk Stream designated as a main river. An informative for invasive species in particular Giant Hogweed which exists on the site are to surveyed prior to work.

### Sustainability

The development aims to achieve a 35% reduction in regulated carbon emissions above Part L 2013 in line with local planning policy and London Plan requirements. This will be delivered in accordance with the energy hierarchy of Lean, Clean and Green measures.

#### Lean

Energy consumption of the proposed development will be reduced through measures including optimising the thermal efficiency of the building fabric, increased air tightness and low energy lighting and effective controls. The development is targeting a 15% reduction in regulated carbon emissions over the 2013 Part L baseline as a result of energy efficiency measures alone.

#### Clean

The London Heat Map shows that the Estate is not within an area of opportunity for district heating and there are currently no feasible opportunities for connecting to any offsite heating or cooling networks. The feasibility of an onsite CHP has also been discounted due to the high thermal efficiency of the proposals and the absence of a stable year round thermal baseload.

#### Green

To meet the residual carbon reduction target of the London Plan, it is proposed that suitable onsite renewable energy technologies are installed. There is the potential for installation of renewables such as roof mounted Solar PV and/or Air Source Heat Pumps which are anticipated to be able to reduce carbon emissions by a further 20%. In the event that the targeted carbon reduction cannot be achieved the applicant proposes that a suitable 'Allowable Solution' carbon offset contribution will be agreed with the Council in lieu of onsite carbon reduction. Achieving Sustainable Development The proposed development aims to achieve at least the minimum score required for BREEAM Very Good to demonstrate a certified commitment to more sustainable development in response to the local policy requirements of the Barnet Core Strategy.

Other sustainability measures include:

- o Reduced water consumption in operation through water efficient fittings;
- o Minimised environmental impact of materials through specification in accordance with the Green Guide;
- o Provision of a Sustainable Travel Plan and safe and secure cycle parking facilities to promote sustainable transport.
- o Minimised construction and operational waste in accordance with a Construction Resource Management Plan prepared prior to the start of site activities.

As the main carbon reduction measure is by the use of PV panels, it is considered that a roof plan and specification details of the PV panels are to be secured by way of condition.

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

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

It should be noted that objections of a similar nature were raised as part of the previous application and were considered as part of the planning appraisal and the later appeal process.

The appeal decision stated "I am aware of the strength of opposition to the proposed development, including to the way in which the development has been promoted. Residents have raised a number of other concerns including, loss of sunlight, impact on wildlife, loss of privacy, light and air pollution. In addition, reference has been made to a potential increase in vermin and crime, as well as the risk of the Silk Stream flooding as a result of the proposed development. However, the consideration of such matters has not been decisive in my consideration of the appeal."

A delivery management plan will be submitted for any proposal seeking to expand the 24 hour use of the site. This will be reviewed to ensure that the proposal does not cause disturbance to the neighbouring residential occupiers. The delivery management plan will also consider the frequency and type of vehicle movements. The document will also outline a 3 month review of the parking arrangements on site will also be undertaken to assess the implications of the new parking spaces on the neighbouring residents. An

acoustic fence is also proposed to help minimise any noise disturbance as a result of the new units and associated use.

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

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

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

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

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

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

The concerns raised in relation to any potential asbestos are covered within the CMP, this will require that an asbestos survey is carried out.

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

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

## **7. Conclusion**

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