

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 1ST NOVEMBER, 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 020 8359 4917

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 10
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Mill Hill Ward	
6.	2A Uphill Drive London NW7 4RR - 16/7727/FUL	11 - 24
7.	50-54 Shakespeare Road London NW7 4BH - 17-5074-FUL	25 - 48
	West Hendon Ward	
8.	11 Rundell Crescent London NW4 3BS - 17/4498/HSE	49 - 56
	Hendon Ward	
9.	59 Brent Street London NW4 2EA - 17/3780/FUL	57 - 64
	Edgware Ward	
10.	51 Glendale Avenue Edgware HA8 8HF - 17/4845/HS	65 - 72
	Hale Ward	
11.	Land Adjacent To Trafalgar House Grenville Place Mill Hill London NW7 - 17/2914/FUL	73 - 92
12.	Planning Enforcement Quarterly Update July 2017 to September 2017	93 - 102

13.	Any Item(s) the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Faith Mwende Faith.Mwende@barnet.gov.uk 020 8359 4917. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

Decisions of the Hendon Area Planning Committee

17 October 2017

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri

Councillor Gill Sargeant
Councillor Agnes Slocombe

Apologies for Absence

Councillor Maureen Braun

Councillor Hugh Rayner

1. MINUTES

The Committee noted and agreed that under Item 1 the minutes should read “meeting held on 19 July 2017”.

With this correction made, the Committee **RESOLVED:** That the minutes of the meeting held on 7 September 2017 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Rayner and from Councillor Braun.

As the Chairman Councillor Braun was not present Councillor Gordon chaired the meeting. The Vice-Chairman informed the committee the Chairman was unwell and wished her a speedy recovery.

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

Councillor Khatri declared a non-pecuniary interest on the agenda item relating to 51 Glendale Avenue, Edgware as the applicant is a fellow Councillor and know to him as a colleague.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

6. NORTH LAND OF GARRICK ESTATE GARRICK INDUSTRIAL CENTRE IRVING WAY LONDON NW9 6AQ - 17/3350/FUL

The Planning Officer introduced the application, which related to North Land Of Garrick Estate Garrick Industrial Centre Irving Way.

Oral representations in objection to the application were heard from Dr Peter Holmes, Adrian Clargo and from the local ward Councillor, Councillor Narenthira.

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

Following discussion of the item, Councillor Sargeant moved a motion to defer the item but as it was not duly seconded it did not proceed to the vote.

Councillor Farrier then moved a motion that was duly seconded, to add a condition relating to the hours of operation to states that any user, including the Bread Factory shall not operate at any time on Sundays, Bank or Public Holidays, or before 5am or after 11pm on any other day. Any other user will be restricted to between 5am-11pm. This condition was unanimously agreed.

Councillor Khatri moved a motion that was duly seconded, to add a condition requiring further details of the acoustic fence to be submitted to the Local Authority and agreed in writing. This condition was unanimously agreed.

The Chairman then moved to vote on the recommendation in the cover report, addendum and the additional conditions which was to approve the application subject to conditions.

The votes were recorded as follows:

For	2
Against	3
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:

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 including loud delivery trucks, staff changing shifts, people entering and leaving the site on a 24 hour basis that would be detrimental to the residential amenities of the occupiers of the properties at Colin Drive and Colin Gardens.

Votes were recorded as follows:

For	3
Against	2
Abstain	0

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

7. LAND REAR OF 77-79 HALE LANE, NW7 3RU - 17/5351/FUL

The Planning Officer introduced the application, which related to Land Rear of 77-79 Hale Lane.

Oral representations in objection to the application were heard from Michaela Ana Moniz and Margaret Nissim.

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

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	1
Against	4
Abstain	0

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

The proposed development by virtue of its size and siting within the site and its relationship with the rear boundary of 77 – 79 Hale Lane would constitute a cramped form of development that would give rise to an unacceptable level of harm to the amenity of these neighbours in respect of its visual dominance which would be overbearing and result in an undue sense of enclosure. As such, the proposed development would be contrary to policies DM01 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)

Votes were recorded as follows:

For	4
Against	1
Abstain	0

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

8. **47 FINCHLEY LANE LONDON NW4 1BY - 17/4134/FUL**

The Planning Officer introduced the application, which related to 47 Finchley Lane London.

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

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.

The votes were recorded as follows:

For	2
Against	3
Abstain	0

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

The proposed development would by virtue of its size, height, bulk and massing would constitute an overdevelopment of the site harmful to the character and appearance of the surrounding streetscene. As such, the proposed development would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012) and policy CS1 and CS NPPF of the Local Plan Core Strategy (2012).

The proposed development would by virtue of its footprint, siting, layout and density would result in an overly cramped form of development with substandard internal and external amenity space detrimental to the amenity of future occupiers of the proposed development. As such, the proposed development would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012) and policy CS1 and CS NPPF of the Local Plan Core Strategy (2012).

Votes were recorded as follows:

For	3
Against	2
Abstain	0

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

9. THE PILLAR CHAPEL 19 BRENT STREET LONDON NW4 2EU - 17/4427/FUL

The Planning Officer introduced the application, which related to The Pillar Chapel, 19 Brent Street London.

Oral representations in objection to the application were heard from Mark Skelton, James Gibson and from the local ward Councillor, Councillor Langleben.

An oral representation was made by the applicant Benjamin Pearl.

As it was 10:00pm the Council's Constitution, Meeting Procedural Rules, section 17 were invoked. Rule 17.1 outlines that no business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void. At any meeting of the Council, Planning Committee and Area Planning Committees, the Chairman at their sole discretion may extend the period for the transaction of business to 10.30pm. This did not occur and therefore this item was deferred to the next meeting of the Hendon Area Planning Committee in accordance with Meeting Procedure Rule 17.3.

10. 2A UPHILL DRIVE LONDON NW7 4RR - 16/7727/FUL

The Committee agreed to defer this item until the next meeting of the Hendon Area Planning Committee in accordance with Meeting Procedure Rule 17.3.

11. PLANNING ENFORCEMENT QUARTERLY UPDATE - JULY 2017 TO SEPTEMBER 2017

The Committee agreed to defer this item until the next meeting of the Hendon Area Planning Committee in accordance with Meeting Procedure Rule 17.3.

12. 50-54 SHAKESPEARE ROAD NW7 4BH - 17/5074/FUL

The Committee agreed to defer this item until the next meeting of the Hendon Area Planning Committee in accordance with Meeting Procedure Rule 17.3.

13. 11 RUNDELL CRESCENT LONDON NW4 3BS - 17/4498/HSE

The Committee agreed to defer this item until the next meeting of the Hendon Area Planning Committee in accordance with Meeting Procedure Rule 17.3.

14. 59 BRENT STREET LONDON NW4 2EA - 17/3780/FUL

The Committee agreed to defer this item until the next meeting of the Hendon Area Planning Committee in accordance with Meeting Procedure Rule 17.3.

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

The Committee agreed to defer this item until the next meeting of the Hendon Area Planning Committee in accordance with Meeting Procedure Rule 17.3.

16. 51 GLENDALE AVENUE EDGWARE HA8 8HF

The Committee agreed to defer this item until the next meeting of the Hendon Area Planning Committee in accordance with Meeting Procedure Rule 17.3.

The meeting finished at 10.05 pm

This page is intentionally left blank

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 6

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.

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.

Relief or Exemption from CIL:

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

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

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

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

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

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

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 manouevering 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% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

In terms of water consumption, a condition 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.

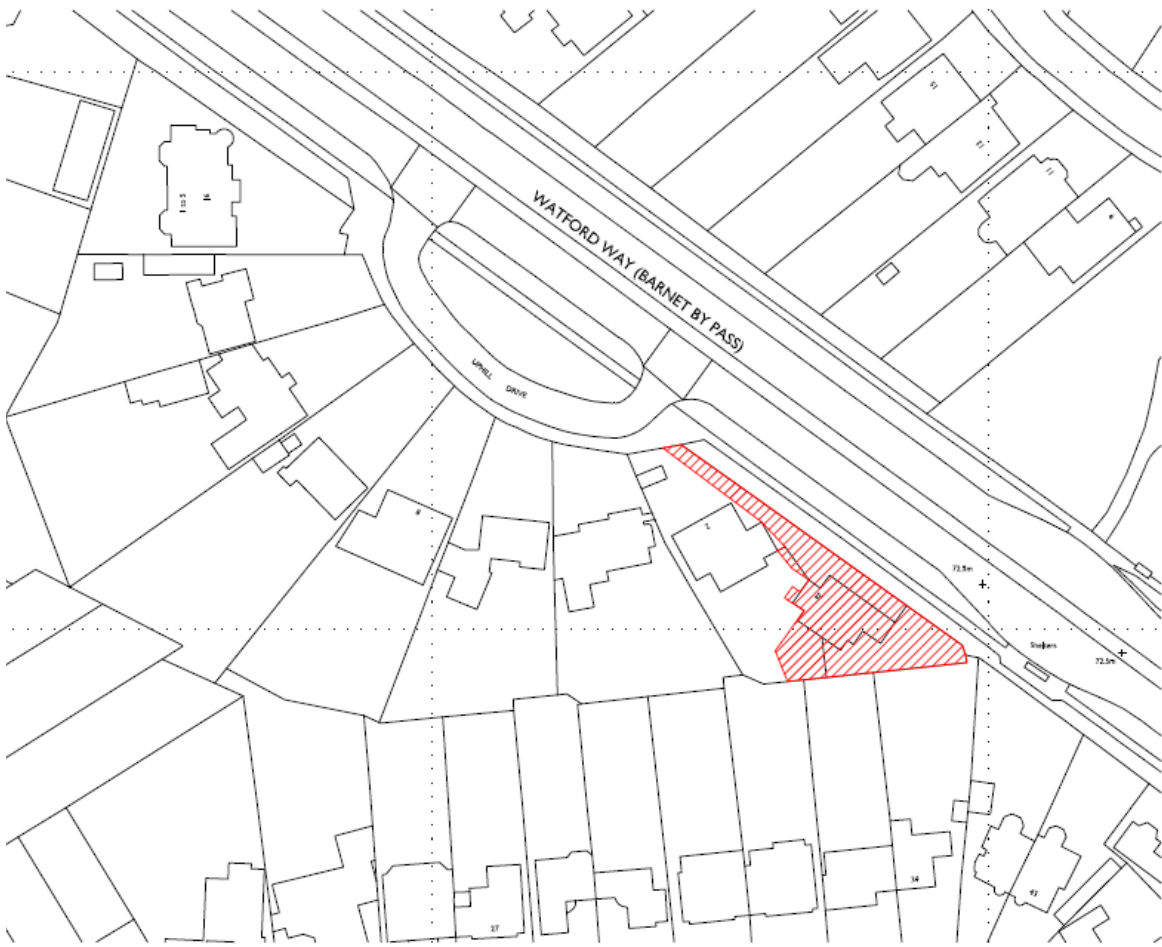
All planning related matters are considered to be covered in the above appraisal.

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.



This page is intentionally left blank

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 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: 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.

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.

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 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 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 studies 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 re-provision of 3 x 3 bedroom 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 5 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 4no 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% 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.

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.

This page is intentionally left blank

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

Reference: **17/4498/HSE**

Received: 13th July 2017

AGENDA ITEM 8

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).

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

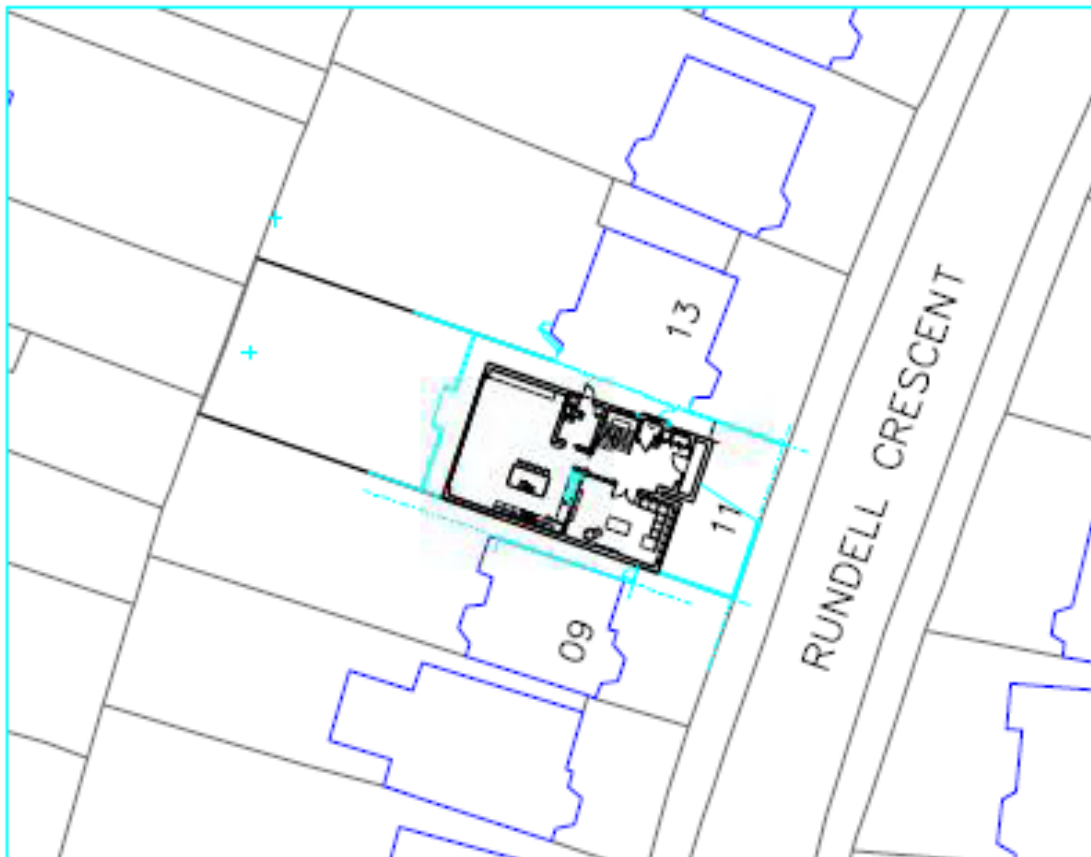
Discussed above.

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.



This page is intentionally left blank

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 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: 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 been 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

Location **51 Glendale Avenue Edgware HA8 8HF**

Reference: **17/4845/HSE**

Received: 26th July 2017

AGENDA ITEM 10

Accepted: 27th July 2017

Ward: Edgware

Expiry 21st September 2017

Applicant: Mr Hugh Rayner

Proposal: Single storey side extension

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

01 Existing ground floor plan

02 Existing elevations

03 Proposed ground floor plan

04 Proposed elevations

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 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

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

The application site is in ownership of Counsellor Hugh Rayner and therefore the application is presented before committee to dispel any conflict of interest.

2. Site Description

The application site is a two story semi-detached property located on the western side of Glendale Avenue within the ward of Edgware. The property has been previously extended by way of a single storey rear extension. The property is not locally/ statutorily listed, it does not lie within a conservation area, and there are no specific restrictions on site.

2. Site History

Reference: W10173D/01

Description: Single storey rear extension (variation of previous approval W10173A) incorporating a pitched roof and a front porch

Decision: Approved subject to conditions

Decision date: 10th July 2001

3. Proposal

The application seeks consent for a single storey rear extension. This element would infill an existing external area at the side of the property on the common boundary with no 53 Glendale Avenue to the north west of the application site and set in approx. 6m from the common boundary with adjoining no 49 Glendale Avenue. It would be 3m in max. height, project approx. 2.3m in depth further rear of the extended rear elevation and cumulatively project approx. 5.2m further rear of the original rear wall.

4. Public Consultation

Consultation letters were sent to 12 neighbouring properties.

0 responses have been 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.

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 Residential Design Guide SPD 2016 recommends a maximum depth of 3.5m in the case of a single storey rear extension on a semi-detached property. The application site is extended at the rear by way of a single storey rear extension across the width of the rear wall and on the common boundary with adjoining no 49 Glendale Avenue. The existing extension serves a dining room and measures 3m depth x 3.8m max. height, 2.6m high to the eaves. The proposed single storey rear extension would infill an existing external area at the side of the property on the common boundary with no 53 Glendale Avenue to the north west of the application site and set in approx. 6m from the common boundary with adjoining no 49 Glendale Avenue. It would serve a study/ recreational room and be 3m in max. height, project approx. 2.3m in depth further rear of the extended rear elevation and cumulatively project approx. 5.2m further rear of the original rear wall. Given the established pattern of development in the immediate area and subject to attached conditions, the proposed extension is not considered to adversely compromise the character and appearance of the host property and local area in this instance.

It should be noted that adjacent no 53 Glendale Avenue to the north west of the application site is sited further rear of the application site and extended by way of a single storey side to rear extension. Following a site visit, the planning officer is satisfied that there are no single aspect primary openings at ground level in the flank southern flank wall of this neighbouring property. The proposed extension would be consistent with the extended elevation of 53 Glendale Avenue and given the varied land levels would sit lower than the natural ground level at this neighbouring property. Given these circumstances, the impact as a result of the extension would be mitigated to a greater level and thus would not compromise the residential amenities of this neighbouring occupier in terms of loss of light and outlook. In terms of adjoining no 49 Glendale Avenue, the extension would be set in approx. 6m from the common boundary and therefore would not compromise the residential amenities of this neighbouring occupier in terms of loss of light and outlook.

In terms of privacy, a door opening would be located in the south eastern flank wall of the extension facing onto the common boundary with no 49 Glendale Avenue, however the distance of approx. 6m would offset the potential impact of overlooking. No openings are proposed in the north western flank wall of the extension and therefore would not give rise to any undue perceived and or actual overlooking onto the adjacent no 53 Glendale Avenue.

The resulting garden space would not be demonstrably reduced as a result of the extension and therefore would retain the existing depth of 16m and set away approx. 28m from adjoining rear properties on Sterling Avenue. Given these circumstances, the extension would not result in a cramped rear amenity space and given the aforementioned distances would offset any undue harm onto the residential amenities of rear adjoining properties in terms of loss of light, outlook and privacy.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

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

7. Conclusion

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



SITE LOCATION PLAN (1:1250)

This page is intentionally left blank

Location **Land Adjacent To Trafalgar House Grenville Place Mill Hill
London NW7**

AGENDA ITEM 11

Reference: **17/2914/FUL**

Received: 5th May 2017

Accepted: 10th May 2017

Ward: Hale

Expiry 5th July 2017

Applicant: .

Proposal: Redevelopment of the site to provide a part three, part four storey building comprising 9no. self-contained flats with associated amenity space, refuse and cycle storage and off-street car parking

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.D1000 Revision 02
Drawing No.D3100 Revision 05
Drawing No.D3101 Revision 05
Drawing No.D3103 Revision 05
Drawing No.D3104 Revision 02
Drawing No.D3200 Revision 01
Drawing No.D3500 Revision 03
Drawing No.D3700 Revision 03
Drawing No.D3701 Revision 03
Drawing No.D3800 Revision 03

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 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. D3100 Rev. 05 submitted with the planning application shall be retained and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 5 Before the development hereby permitted is occupied, cycle parking spaces as per drawing No. D3100 Rev. 05 submitted with the planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

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

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

- 7 Refuse store shall be provided in accordance with the Drawing No. D3100 Rev. 05 submitted with the planning application. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level on a levelled surface.

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

- 8 a) Before the development hereby permitted is first occupied or the use first commences, details of the privacy screening to the communal roof terrace area shall be 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 privacy and residential amenities of the neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 9 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), the Sustainable Design and Construction SPD (adopted April 2013).

10 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.

11 a) If extraction and ventilation equipment is to be installed, prior to installation all 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 equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

12 The level of noise emitted from the extraction and ventilation equipment approved pursuant to Condition 9 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 2016.

13 a) Prior to the commencement of landscaping works, the scheme of hard and soft landscaping, including details of size, species, planting heights, densities, positions of any soft landscaping, and details of below hard surface rooting areas (e.g. strata cells), shall be 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 2016.

- 14 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.

- 15 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.

- 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.

17 a) Prior to occupation of the site 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).

18 Part 1)

a) A site investigation shall be designed for the site using information obtained from the approved desktop study and Conceptual Model under application referenced 14/07542/PNO. 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.

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2016.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £29,750 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 £114,750 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to

commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

- 4 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 S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 5 The applicant is advised that Hale Lane is Traffic Sensitive Road between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday and 8.00 am-9.30 am during Saturday. Careful consideration must be given to the optimum route(s) for construction traffic. The Highway Authority should be consulted in this respect.

Officer's Assessment

1. Site Description

The site is currently a car park on the western side of Grenville Place a short distance from the south of Hale Lane. Trafalgar House is situated on land to the immediate south and is subject at **presented** to construction works for its change of use and conversion from office to residential to form 28 flats by way of a Prior Notification process.

Trafalgar House is three storeys with a subordinate (inset) roof storey. Grosvenor Court is also a three storey building with an inset roof storey, and the new residential development within Grenville Place is predominantly a mix of two storeys, three storeys, and inset fourth **storeys**.

Adjacent buildings to the rear (west) and side (north) consists of two storey semi-detached dwellings. The area is predominantly residential. The site is not located in a conservation area. There are no listed buildings near the site. The proposed development would be located on an area of hardstanding and as a result, there is no landscaping on the site which may be affected.

The site is currently accessed from Grenville Place at its northern perimeter. There is a southern exit from the site back to Grenville Place adjacent to the northern elevation of Trafalgar House. Trafalgar House is being laid out so that there are habitable room windows facing north towards the site on each of the four levels.

2. Site History

15/07747/S73: Removal of condition 7 (Code of sustainable housing) pursuant to planning permission H/03555/14 dated 05/11/2014 for `New third floor to provide 4 x3 bedroom flats. External alterations. Changes to windows to all elevations. New front canopy`. Decision: Refused. Decision Date: 29 February 2016

15/03146/CON: Submission of details of Conditions No. 3 (Materials); No.4 (Screened facilities); No.10 (Noise); No.11 (details of balconies _ balustrade); No.12 (Method Statement); pursuant to planning permission Ref: H/03555/14 dated: 21/10/2014. Decision: Approved. Decision Date: 2 February 2016

15/02818/S73: Variation of condition 1(Plans) and condition 10 (Acoustic report) pursuant to planning permission H/03555/14 dated 21/10/14 for "New third floor to provide 4 x3 bedroom flats. External alterations. Changes to windows to all elevations. New front canopy" Amendments include relocation and associated changes of AC units. Decision: Approved subject to conditions. Decision Date: 14 July 2015

16/3930/FUL: Alterations to existing car parking layout, cycle parking, refuse storage and route of public footpath. Decision: Approved subject to conditions. Decision Date: 28 October 2016

14/07542/PNO: Change of use from Class B1 (Office) to Class C3 (Residential) (28 Units). Decision: Prior Approval Required and Approved. Decision Date: 9 January 2015

W03202BM/05: Installation of a radio base station comprising of three antennas, one 300mm diameter dish antenna, one 200mm diameter dish antenna and radio equipment housing.

Decision: Refused. Decision Date: 26 September 2005

W13003/02: Installation of 7.5m stub with 3nb omnidirectional antenna and associated equipment cabin on roof of Trafalgar House for Metro Police Radio Network.

Decision: Refused. Decision Date: 12 November 2002

W03202BJ/01: Installation of three pole-mounted telecommunications antennae, two transmission dishes and one equipment cabinet on roof of building.

Decision: Refused. Decision Date: 21 January 2002

W13003C/03: Relocation of existing antennas (telecommunications equipment) on roof of building.

Decision: Exempt. Decision Date: 22 December 2003

W03202BK/04: Installation of telecommunications equipment.

Decision: Exempt. Decision Date: 25 May 2004

A/02: Installation of 3 no. sector antenna and ancillary equipment.

Decision: Exempt. Decision Date: 27 July 2004

W13003B/03: Installation of telecommunications equipment.

Decision: Exempt. Decision Date: 5 November 2003

3. Proposal

This application proposes the redevelopment of the site to provide a part three, part four storey building comprising 9no. self-contained flats with associated amenity space, refuse and cycle storage and off-street car parking.

The footprint of the development predominantly comprises of two adjoining rectangles, one smaller (5.4m x 13.75m), one (larger 9m x 21.1m). The stairwell of the development juts out of the larger element's foot print by 0.85m (for a length of 4m). Having a minimum maximum width of 15.3m and maximum depth of 21.2m, having and overall the development would have a foot print of 270sqm. The 3 storey element would have a height of 9.6m and the four storey element predominantly 12.6m in height, with a lift shaft 13.2m in height.

4. Public Consultation

Consultation letters were sent to 201 neighbouring properties.

16 responses have been received, comprising 16 letters of objection.

The objections received can be summarised as follows:

- The development would result in a loss of view of an open space
- The development would be a visually imposing and intrusive form of development
- The neighbouring properties in Deans Drive would be overlooked resulting in a loss of privacy.
- The existing site is overdeveloped changing the character from sub-urban to urban

- The existing and proposed developments at this site have and will exacerbate issues of traffic, parking and noise within the area.
- The development will increase the strain on over-subscribed schools
- The developer would not have acquired planning permission for overall development of the site of this scale. The piecemeal approach and cumulative impact of all developments on this site should be considered.
- When local residents were consulted on the initial application it is unfair they were not warned about future intentions for the site. How can they be expected to voice our opinions when only the developer has the full information?
- The developer has failed to indicate how any of these developments benefits the local community.
- The Lofts Apartments next door have not received any notification of the planning application.
- The site is too small to house 9 residential flats, private gardens and 9 parking spaces.
- 9 additional car parking spaces for the scheme which will not be sufficient for the number of units proposed.
- The development will overlook and overshadow the Loft apartments, resulting in a loss of light and privacy.
- The plans suggest the off street parking will be shared with the current parking for the Lofts Apartments, of which the residents have not been notified or consent to.
- The plans submitted with the application are out of date and do not show the correct extent of the private property belonging to the Lofts Apartments.
- The development will cause noise and dust pollution during the construction phase.
- There are continuing health and safety concerns with the Loft Apartments constructed by the same developer, these issues are likely to be consistent in the proposed development i.e. poorly built, unfinished, not completed in accordance with regulations and not built to sold specification.
- Increased occupancy will result in increased comings and goings and associated noise and disturbance
- The development will be overbearing to the residents in Grenville Place
- The plans do not adequately reflect the Trafalgar House building
- The development will have an impact on air quality.
- The development will increase the number of vehicles accessing the site and consequently have a degrading effect on the access gate which the residents pay for.
- More vehicles will pose a security issue for the Loft apartments.
- The development is not in keeping with the character and appearance of the surrounding residential properties, would appear cramped with insufficient general storage space.
- The amenity value of the proposed flats look cramped with minimal general storage space.
- Very limited outdoor amenity space and play area
- The roof terrace will lead to overlooking issues for neighbouring properties and gardens.
- This scheme has an impact on another recent scheme adjacent 14/07542/PNO which had its red boundary line all-round this current application site. The site of this new application seems to have been the possible amenity space of the **prior approval** scheme. The new scheme also changes the originally proposed traffic route into the site of **the prior approval** scheme. On this basis the only amenity space available for the previous application disappears and we feel that these issues need investigating.
- There will be a loss of light and loss of privacy for the residents in Deans Drive
- Bin collection from outside the development will be challenging as already the Loft apartment bin area has been badly designed.
- Access into Grenville place will be very difficult
- Landscaping - with a development such as this the space for greenery is limited. Townhouses and gardens would therefore be a more suitable alternative. No shrubbery or

plants have been considered in the grounds of the adjacent land (The Lofts) even though I believe the plans showed this and was expected.

- The plans themselves are not accurate - they show open access to the parking spaces at the rear of the new development however The Lofts (not Trafalgar House as shown on the plans) already has a gate at its car park entrance directly off Grenville Place it is therefore unclear how means of access would work (gate and car park currently covered by The Lofts service charge along with recently installed CCTV).

- Since the Loft Apartments opening the amount litter in the area has increased in the public areas dramatically, with bins and waste becoming an obstruction for pedestrians.

- There is a lack of greenery within the vicinity. The Lofts apartments have no gardens or landscaping to enjoy and with another proposed development the space for some greenery becomes impossible.

4.1 Internal / Other Consultation

Highways: No objections - Conditions recommended with respect to ensuring parking, cycle storage and refuse storage are all provided as they are shown on the proposed plans.

Environmental Health: No objections - Conditions recommended with respect to contaminated land to ensure that the site is not contaminated.

Waste & Refuse: No objections (no comments received).

London Fire Brigade: No objections (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, DM08, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of a residential development at this site is acceptable;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the development would provide satisfactory living accommodation for the future occupants;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the development would have an adverse impact on Highway safety and parking in the surrounding area;
- Sustainability and Other matters;

5.3 Assessment of proposals

The design of the scheme has resulted from extensive pre-application and post-submission discussions between the Local Planning Authority and the applicant, addressing the initial concerns regarding its design, form, scale, outlook, privacy concerns, parking layout, landscaping and amenity space. The assessment of these aspects are assessed hereafter.

Principle of the Development

Through a sequence of applications for Prior Approval, Trafalgar House has changed from office use (B1) to residential (C3). In conjunction with an extension to the building, the construction and internal conversion work has been substantially completed within the building in order to implement the permissions. As such, the employment use within the site has been extinguished and the car park has reverted to a nil use from employment use in the B1 use class. It has not since been utilised in connection with any current residential use on the site either.

On this basis, it is considered that it would not be necessary to consider the loss of employment use and the scheme is not contrary to policy DM14 of the Local Plan Development Management Policies DPD.

The proposal for nine units equates to a density of 150 units per ha, which is within the recommended range set out in Table 3.2 of the London Plan for locations in an urban setting with a PTAL rating of 2-3, which is 45-170 units per ha. It will provide a mix of flats comprising 3 x 1 bedroom units and 6 x 2 bedroom units. This mix of dwellings is considered to align with Policy DM08, ensuring a variety of sizes of new homes to meet Borough's housing need, and is considered appropriate relative to the mixed dwelling character of the immediate vicinity of the site.

As such, the redevelopment of this site for further residential units would be an effective use of an under-utilised brownfield site, and therefore, in land use terms would represent sustainable development, as per Paragraph 17 of the National Planning Policy Framework.

Impact on Character and Appearance of the Existing Building, the Street Scene and the Wider Locality

The proposals comprise of a part 3, part 4 storey building to the Grenville Place frontage, accommodating 9 self-contained flats. There is a mixed character within the area in respect of building heights and types. The junction around Grenville Place and Hale Lane features buildings arranged over four storeys either through their original construction or by way of an upper level extension to these buildings. Within Grenville Place there has been a comprehensive residential redevelopment which has created a range of two storey, three storey and four storey buildings with flats and dwellings. Given the extended height of Trafalgar House and Grosvenor Court, both immediately adjacent to the site, the application site can reasonably be taken to respond to that character rather than that expressed within Hale Lane and adjoining streets to the north which are principally semi-detached and detached dwellings.

Immediately to the north it is acknowledged that a smaller, two storey, semi-detached pairing of dwellings which houses numbers 1, 1A, 2 and 2A Grenville Place exists. The applicant has taken note of this and carefully designed the size, height and mass of the development to ensure that the relationship between the proposals and this neighbouring building are sympathetic to its context. This has been achieved through the placement of smaller, subordinate 3 storey element on the northern side which sits approximately 2m higher than the pitch ridgeline of the neighbouring building, and a 5.6m spacing between flank walls. The graduation in height between these two buildings, combined with the spacing is considered to present an acceptable relationship within the streetscape.

On the south side, the development would be a minimum of 10.8m (measured from the stair well), and a max. of 11.8m between the proposed development and the Loft Apartments. The heights between the proposals and the Loft Apartments are similar

(Proposed development: 13.25m; Loft Apartments: 14.5m) with a height difference of approximately 1.25m. Both the spacing between the buildings and height relationships are considered to have an acceptable relationship.

To the west, the development will be served by a parking, and private and communal amenity space, having 20.3m distance from the rear elevation of the proposal to the flank boundary of 12 Deans Drive. Whilst the stepping down from the neighbouring properties in Deans Drive is not as sympathetic, the Local Planning Authority consider that there is sufficient buffer distance (21.1m) to justify the height difference, and that contextually, Deans Drive is clearly separate from the application site and is therefore not "read" together as part of the same immediate streetscape. Similarly, the dwellings at Grosvenor Court on the opposite side of the road have an approximate 20m separation distance.

Overall it is considered that the development will realign and improve the frontage onto Grenville Place, having an acceptable relationship to its surrounding context.

Quality of Living Accommodation for Future Occupiers

The development proposes 9no. self-contained units in the following unit configuration:

3 x 1 bedroom flats - 2 person	Gross Internal Area: 60sqm (50sqm required)
2 x 2 bedroom flats - 3 person	Gross Internal Area: 66sqm (61 sqm required)
4 x 2 bedroom flats - 4 person	Gross Internal: 77sqm (70 sqm required)

All of the dwellings are considered to provide satisfactory Gross Internal Floor areas in accordance with the Mayor's London Plan Housing SPG (2016) and the LPA's adopted Sustainable Design and Construction SPD (2016). The ceiling heights are 2.3m which is 0.2m of the optimum standard set out in the Mayor's London Plan Housing SPG (2016), however it is considered that 2.3m meets the minimum requirement and will still provide a satisfactory living space for the future occupier, as there will be sufficient light and ventilation access, as well above minimum standard gross internal floor areas. The windows in the flank elevations of the development have been carefully designed to ensure that there is sufficient outlook which is not comprised by a lack of privacy given the proximity of other nearby residential units at the Loft Apartments and numbers 1 & 2 Grenville Place. The windows have been angled to mitigate against these issues, and none of the units are single aspect, thus providing a good standard of outlook. The stacking and layout of the developments is considered to be appropriate to ensure that each of the units will be in receipt of adequate daylight and sunlight.

Both ground floor units have access to some private outdoor amenity space (Unit G.1 - 21sqm / Unit G.2 - 41sqm), although its layout is not typical like other neighbouring private amenity space, it remains functional and will provide a private space for the future occupiers to utilised for their needs. Notwithstanding this, the occupiers will also have access to the communal amenity space at ground level to the rear of the site (88sqm), and also the communal roof terrace (58sqm), which all provide adequate amenity space for the future occupiers of the development. In summary, the total provision of communal amenity space is 146sqm, which exceeds the minimum requirement of 121sqm set out in the adopted Sustainable Design and Construction SPD (2016).

Initially there were concerns regarding the impact of the car parking of the development on the proposed dwellings. However, following constructive post-submission discussions about how this could be addressed, the applicant has devised a solution through a combination of landscaping and introduction of trellising to the rear car parking area.

Officers are now satisfied that the development will now provide a satisfactory degree of separation of the car parking area and amenity spaces as well as provide reasonable outlook for the proposed residential units. The parking adjacent to the southern elevation, belonging to the Loft Apartments will be separated from the building by landscaping. Furthermore, vehicle movements are anticipated to be limited in relation to these spaces (likely to be no more than 2 movements per day per space) and windows on this elevation would not be openable. As such there will be no adverse noise or air quality impacts to the future occupiers.

Impact on the Residential Amenities of the Neighbouring Occupiers

As noted in the character and appearance section of this report, the development is considered to be appropriately scaled in size, massing and spacing relative to context of the surrounding street scape to ensure that it is not a visually obtrusive and overbearing form of development. In order to avoid the matter of overlooking and privacy for the surrounding neighbours, the applicant proposes projecting bays which feature windows that are angled towards views that have a minimum of 21m to the garden or elevation of the nearest built form that they are directed at. This accords with the adopted Sustainable Design and Construction SPD's (2016) standards which state that in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden. In the normal flank windows the ones facing west (towards Deans Drive) have sufficient distance to ensure that there is no demonstrable loss of privacy or overlooking. The normal windows in the southern flank at first floor level and above, facing the Loft Apartments have been obscure glazing to protect the amenities of these residents whilst ensuring the proposed dwellings receiving natural light. In order to ensure privacy of the adjacent residential properties at The Loft Apartments a condition will be recommended requiring details of screen for the communal roof terrace. A screen made from obscured glass would ensure that light can permeate, and ensure that this structure would not manifest itself as a bulky, material built form.

The development could provide occupancy for between 23 and 27 people, both small families and professions, which combined with 9no. parking spaces relative to the size and spacing of the site, would not generate a demonstrably harmful level of comings and goings (resulting from noise and activity) from its occupants.

The applicant has also provided a Daylight and Sunlight report which concludes that there will be no demonstrable adverse impacts on neighbouring residential properties to an extent that would warrant the application's refusal on these grounds. The Average Daylight Factors and Annual Probable Sunlight Hours for neighbouring properties calculated in the report demonstrate that the development would not result in the neighbouring properties failing the target levels established in the BRE's *Site layout planning for daylight and sunlight: a guide to good practice*.

Highway Safety and Parking

The Highways & Development Team were consulted on the proposals and raised no objections - identifying that the development would provide satisfactory parking provisions, providing 9 spaces (2 of which are disabled spaces) in accordance with Policy DM17. The proposal includes the provision of 16 secure cycle spaces, including one short-stay space, therefore exceeds the minimum standards set out in the London Plan. An

enclosed refuse store will be located adjacent to the northern side of the building, within 16m of Grenville Place, where a refuse truck is able to load.

Pedestrian access is proposed off Grenville Place. Vehicular access is proposed between the building and the adjacent Trafalgar House/The Lofts building, which is to be shared by both buildings. No additional vehicular or pedestrian access points are proposed. Highways and Development are satisfied with that this will not have a demonstrable impact on highway safety or accessibility.

Sustainability, Accessibility and Other matters

Of the proposed Units 10% will be wheelchair adaptable (Part M (3)) and 90% will meet Part M (2) in accordance with Policy 3.8 of the London Plan, Policy DM03 of the Development Management Policies and Part M of Building Regulations. The development also provides a lift, facilitating access to all floors in accordance with the Part M4(2) standard (Building Regulations) required by the London Plan.

The proposed development is a minor development and therefore not subject to LBB's carbon reduction targets for major developments. The development will comply with Part L of the current 2013 Building Regulations through energy efficiency measures including a heating and hot water system.

The development will meet the requirements of Part G of Building Regulations in relation the efficient use of water and comply with the Council's water consumption target for minor residential development of 105 litres per person per day.

The landscaping of the site is considered to be appropriate, softening the appearance of the development and assuring that it has an appropriate impact on the visual amenity of the site.

5.4 Response to Public Consultation

Officers have reviewed and considered the comments received through the public consultation process and have addressed these, where possible, in the above assessment of the scheme. The following issues that were raised but not addressed in the assessment of the scheme are considered below:

- The loss of a view is not a material planning consideration and the schemes scale and mass has been considered as appropriate.
- Deans Drive residents would not be unduly overlooked resulting in an unacceptable loss of privacy, given that the development has been designed to adhere to the minimum distances for privacy set out in the adopted Sustainable Design and Construction SPD (2016).
- The development is considered appropriate for the size and scale of the site and therefore is not considered overdevelopment.
- Traffic, parking and associated noise and disturbance effects have been considered by Officers, the Highways team and Environmental Health and are not considered be demonstrably adverse.
- The increased strain on over-subscribed schools is noted. The Council will receive a Community Infrastructure Levy (CIL) contribution for the proposed development which will

be used within the Borough to address the community infrastructure burden. Details of CIL contribution can be found in the attached CIL informative.

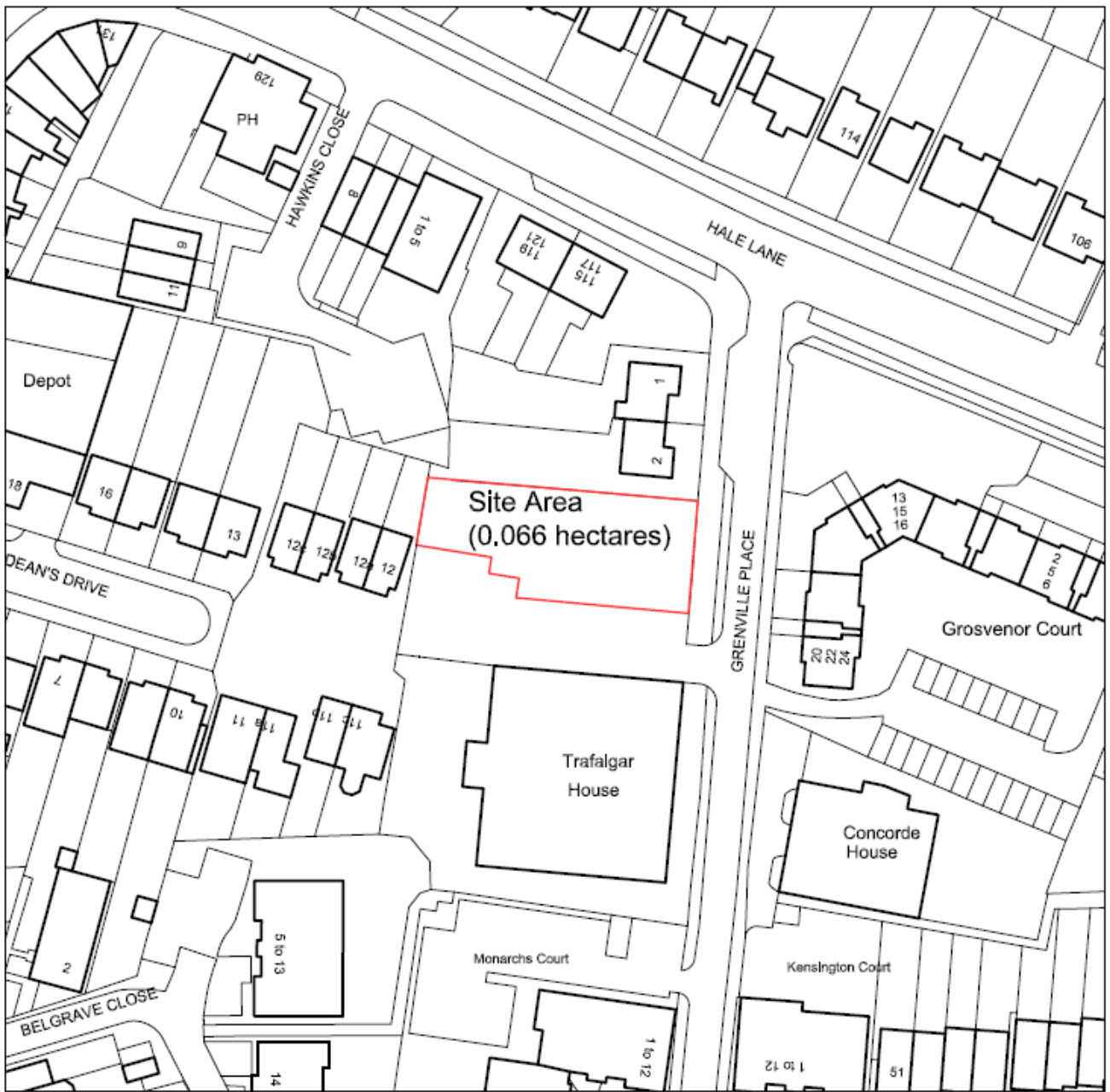
- Each application is judged on its own individual merits in accordance with adopting Planning Policies, and the developer is entitled to make applications for proposals as they see fit. These will be assessed in accordance with said policies.
- The development will provide much needed housing within the Borough.
- The LPA acknowledge that the Loft Apartments were not consulted initially however, have since met its duty by consulting these neighbours directly as well as the display of a site notice close to the application site.
- The applicant has identified and confirmed ownership of the land in which the development is proposed, falsification of this information would render the planning permission invalid.
- Noise and dust pollution during the construction phase will be managed through Demolition, Construction Management plan condition. If nuisance arises, a service request for investigation by Environmental Health can be logged with the Council.
- Health and safety is not a material planning consideration and will be managed by the Health and Safety Executive and relevant Building Regulations.
- The impact on air quality from the occupancy of the development is not considered to be demonstrably adverse to an extent that would warrant the applications refusal on these grounds.
- Matters regarding access through the existing residential gates are a civil matter between the landowner and the applicant.
- The security of the site is not considered to be demonstrably worse as result of the proposed development, given that the new dwellings will be occupied by residents, subsequently increasing the amount of natural surveillance.
- Prior Notification applications are not required to provide amenity space as part of their proposals and therefore, this is not material to the consideration of this scheme.
- The refuse and recycling storage is considered to be adequate for the purposes of the development.
- The amount of litter within the area is not a material planning consideration and concerns potential offences that are governed and enforced by other Statutory bodies (e.g. Environmental Health).
- The level of daylight and sunlight at neighbouring properties are not considered to be adversely affected to an extent that would warrant the scheme's reason for refusal.
- The number of parking spaces has been assessed in line with the Council's parking standards contained in DM17 and is considered to be appropriate for the development
- The landscaping of the site is considered to be suitable to soften the appearance of the development

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.



	<p>Hendon Green Planning Committee</p> <p>17th October 2017</p>
<p style="text-align: right;">Title</p>	<p>Planning Enforcement Quarterly Update July 2017 to September 2017</p>
<p style="text-align: right;">Report of</p>	<p>Head of Development Management</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Summary

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

Recommendation

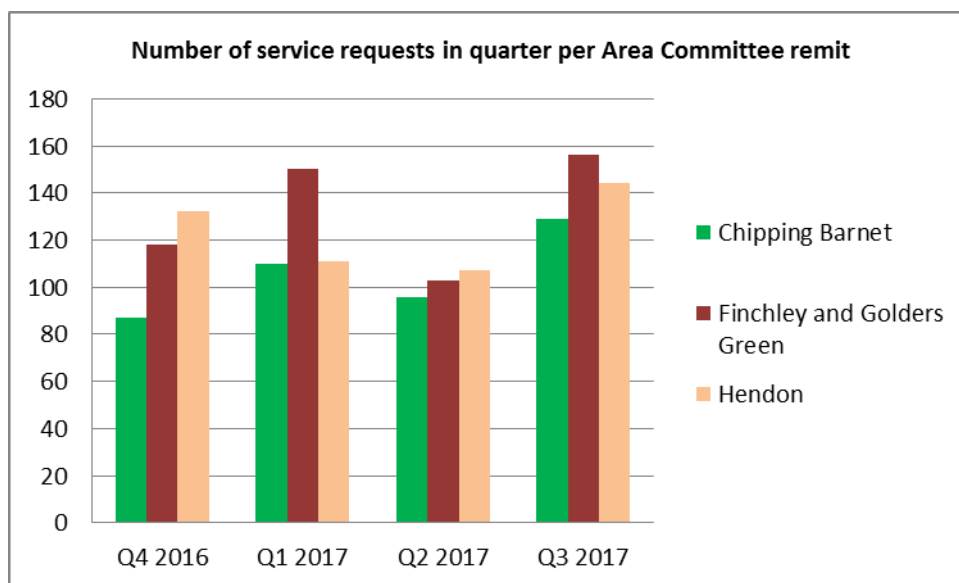
1. That the Committee note the Planning Enforcement Quarterly Update for the period of July 2017 to September 2017.

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

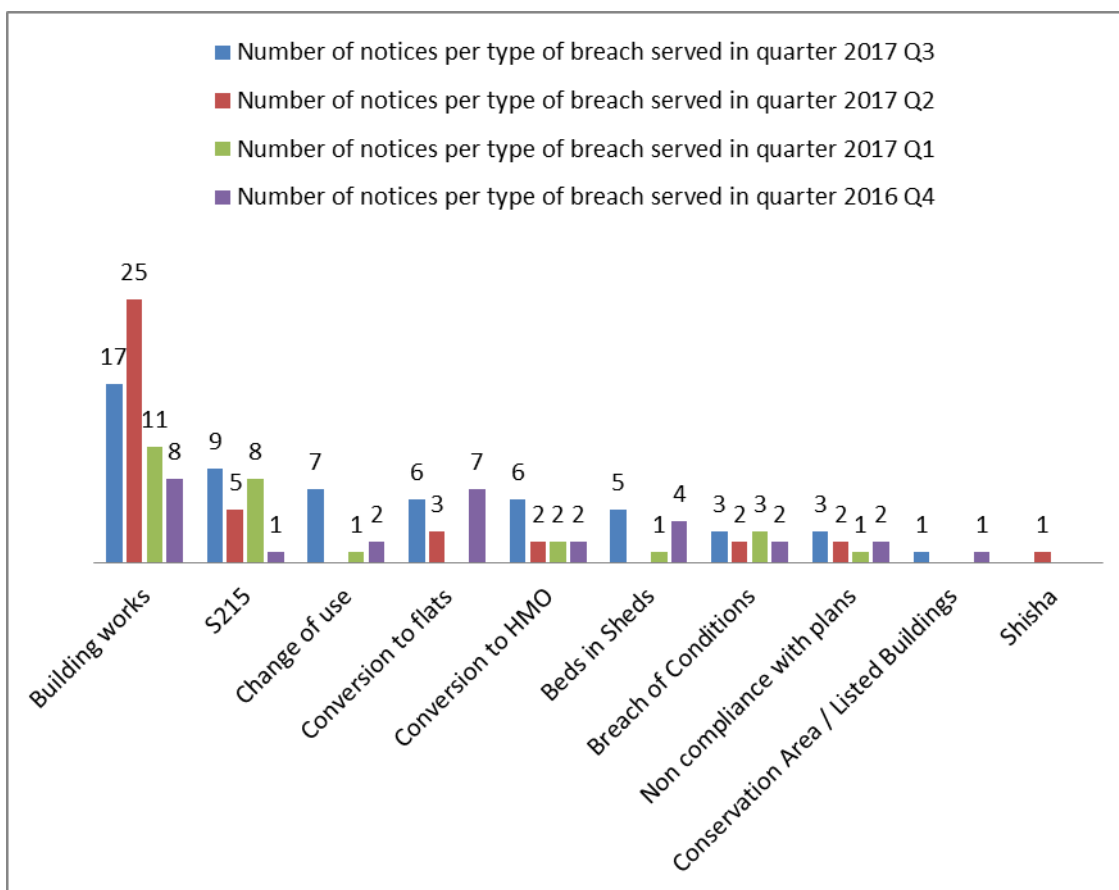
Hendon				
Ward	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Burnt Oak	21	13	12	12
Colindale	11	6	4	8
Edgware	22	13	17	18
Hale	19	16	18	15
Hendon	26	12	26	27
Mill Hill	13	22	21	25
West Hendon	17	16	13	27

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
Full compliance following serving of enforcement notice	42	18	11	19
Informal compliance Works carried out and/or use ceased with breach resolved informally	117	82	42	76
Lawful development No breach of planning control was identified following investigation	282	254	167	130
Breach detected but harm insufficient to justify enforcement action	101	61	22	51
Total	542	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

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Report authors should engage with their Governance Champion early in the report writing process and record the date below. If the decision/report has been reviewed at an internal board please record the date and name of the meeting (e.g. SCB). Otherwise enter N/A. All reports must be cleared by the appropriate Director/AD, Legal, Finance and Governance as a minimum. **Legal, Finance and Governance require a minimum of 5 working days to provide report clearance. Clearance cannot be guaranteed for reports submitted outside of this time.**

AUTHOR TO COMPLETE TABLE BELOW:

Who	Clearance Date	Name
Committee Chairman		
Governance Champion		
Director / AD / Lead Commissioner		
Enabling Board / Delivery Board		
Commissioning and Policy		
Equalities & Diversity		
HR Business Partner		
Strategic Procurement		
HB Public Law		
Finance		
Governance		

This page is intentionally left blank