

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 14TH JUNE, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Stephen Sowerby MA

Alison Cornelius
Tim Roberts

Laurie Williams

Reema Patel
Kathy Levine

Substitute Members

Caroline Stock
Philip Cohen
Sachin Rajput

David Longstaff
Paul Edwards

Andreas Ioannidis
Pauline Coakley Webb

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

Andrew Charlwood – Head of Governance

Governance Service contact: Jan Natynczyk 020 8359 5129 Jan.Natynczyk@Barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	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)	
6.	8 Poynings Way London N12 7LP (Totteridge)	11 - 30
7.	67 Leicester Road Barnet EN5 5EL (High Barnet)	31 - 50
8.	1277 High Road London N20 9HS (Totteridge)	51 - 60
9.	Associates House 118 East Barnet Road Barnet EN4 8RE (East Barnet)	61 - 70
10.	3 Athenaeum Road London N20 9AA (Oakleigh)	71 - 88
11.	Any item(s) the Chairman decides are urgent	

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Decisions of the Chipping Barnet Area Planning Committee

9 May 2017

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)

Councillor Alison Cornelius
Councillor Tim Roberts

Councillor Reema Patel
Councillor Kathy Levine

REVISED ORDER OF BUSINESS

The Chairman revised the running order, as reflected in these minutes.

1. MINUTES OF LAST MEETING

REVISED ORDER OF BUSINESS

The Chairman revised the running order, as reflected in these minutes.

It was **RESOLVED** that the minutes of the meeting held on 9th March 2017 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Sowerby and Councillor Williams.

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

Councillor	Item	Interest
Wendy Prentice	Wessex Court, 51 West End Lane, Barnet	Non-pecuniary Interest declared as she knows Mr Bishop, the applicant, but will still vote
Reema Patel	49 Firs Close, London N11	Non-pecuniary Interest declared as she lives close to the application site, but will still vote.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

An Addendum to the main report was published and circulated to Members and made available to the public at the meeting.

6. LAND ADJACENT TO 23 HAMPDEN ROAD LONDON N10 (COPPETS WARD)

Officers presented the report.

Oral representations objecting to the application were received from Andy Waiter and Paul Scott. Johnathan Kent, the applicant’s agent, also spoke.

Following discussion, Members carried a motion to vote against the officer recommendation for approval. Cllr Roberts moved the motion, seconded by Cllr Levine.

Reasons for the overturn were given follows:-

1. The proposed development by reason of its size, siting and design would be a cramped form of development, out of character and out of keeping with the pattern of development in the surrounding locality contrary to policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and Residential Design Guidance SPD (2016).
2. The proposed development by reason of its size, siting and design would have an overbearing appearance and result in overshadowing of neighbouring gardens, to the detriment of the residential amenities of the occupiers of the adjoining properties, contrary to contrary to policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and Residential Design Guidance SPD (2016).
3. Add Informative 1: The plans accompanying the application are: 372.(1).0.101 Rev B (Existing Plan and Demolitions), 372.(1).0.102 Rev A (Existing Front Elevation and Section AA), 372.(1).0.103 Rev A (OS Map), 372.(1).1.101 Rev C (Proposed Ground Floor Plan), 372.(1).1.102 Rev D (Proposed Roof Plan), 372.(1).1.103 Rev B (Existing and Proposed Roof Plan Superimposed), 372.(1).2.101 Rev K (Proposed Elevations, Front and Rear), 372.(1).3.101 Rev G (Proposed Sections. Section AA and BB), 372.(1).2.102 Rev I (Proposed Side Elevations. Elevations BB and CC), 372.(1).2.103 Rev D (Proposed Elevations. Front Elevation), 372.(1).3.101 (Proposed Sections), 372-HAM-018-Design and Access_Rev B (Design and Access Statement prepared by Lipton Plan Architects. January 2017), Sustainability Statement prepared by Lipton Plan Architects. February 2017.

Add informative 2: CIL - Refusal

A vote was then taken to refuse the application.

It was **RESOLVED** that the application was refused. Votes were as follows:

Refused (An overturn of the officer recommendation)	5
Approval	0
Abstained	0

7. 49 FIRS AVENUE LONDON N11 3NF (COPPETTS WARD)

Officers presented the report.

Oral representations objecting to the application, were heard from Natalie Hugin, who spoke on behalf of Ms Mousiou and Sally Abraham. Mr N Ravi, the applicant's agent, also spoke.

It was **RESOLVED** that the application was approved in accordance with the officer report

Votes were as follows:

For (approval)	3
Against (approval)	1
Abstained	1

8. 100/102 & 104 LANCASTER ROAD BARNET EN4 (EAST BARNET WARD)

The committee received the officer presentation and addendum with amended conditions 1 and 6.

It was **RESOLVED** that the application was approved in accordance with the officer report and addendum.

The votes were unanimously in favour of approval.

9. WESSEX COURT 51 WEST END LANE BARNET EN5 (UNDERHILL WARD)

Committee received the officer report and addendum which updated the position regarding public consultations.

An oral representation in objection was provided by Lydia Bower. The agent Alex Cox also spoke.

It was **RESOLVED** that the application was refused in accordance with the officer report.

Votes were as follows:

For refusal (as recommended)	3
Against	1
Abstained	1

10. HADLEY GREEN GARAGE/GRANGE JAGUAR, VICTORS WAY BARNET (HIGH BARNET WARD)

Officers presented the report and addendum which included an amendment to condition 1 as a result of the submission by the applicant of a revised external lighting scheme.

It was **RESOLVED** that the application was approved in accordance with the officer report and addendum.

Members voted unanimously in favour of approval (Councillor Patel was not in the room during part of the presentation of this item and did not vote).

11. HOLLY LODGE 189 BARNET ROAD BARNET EN5 (HIGH BARNET WARD)

Officers presented the report.

An oral representation was heard from the applicant's Agent, Carl Copestake.

It was **RESOLVED** that Committee approved this application in accordance with the officer report.

Members voted unanimously in favour of approval.

12. 236 EAST BARNET ROAD BARNET EN4 (EAST BARNET WARD)

Committee received the officer's report.

It was **RESOLVED** that Members approved the planning application in accordance with the officer report.

Members voted unanimously in favour of approval.

13. LAND ADJACENT TO 1 KENDAL CLOSE LONDON N20 (OAKLEIGH WARD)

Officers presented the report.

It was **RESOLVED** that the application was approved in accordance with the officer report.

The vote was unanimously in favour of approval.

14. FAIRLIGHT COTTAGE 7 HORSESHOE LANE LONDON N20 (TOTTERIDGE WARD)

Committee received the officer report and addendum for Application number 16/8068/CON for Canterbury Combi-style fencing.

An oral representation was heard from the applicant, Lorraine Robinson.

Following debate, Members made a motion to refuse the application, proposed by Councillor Alison Cornelius and seconded by Councillor Roberts. Reasons for the motion for refusal are outlined below:

The proposed fence, by reason of its design and appearance, would be out of keeping with the rural character of this part of the road and would not preserve or enhance this part of the Totteridge Conservation Area. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012),

Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and the Totteridge Conservation Area Character Appraisal.

Add informative 1: The plans accompanying this application are: Drawing No. 2102 (received 4 April 2017).

It was **RESOLVED** that the application was refused for the above reasons.

Votes were as follows:-

For Approval (as in officer recommendation)	0
Refusal (against officer recommendation)	4
Abstained	1

15. FAIRLIGHT COTTAGE 7 HORSESHOE LANE LONDON N20 (TOTTERIDGE WARD)

Committee received the officer report and addendum for application number 17/1307/CON for vertical boarding with a trellis.

An oral representation was heard from the applicant, Lorraine Robinson.

Following debate, Members favoured this option.

It was **RESOLVED** that Members approved the application in accordance with the officer report and addendum.

Members voted unanimously in favour of approval.

16. FAIRLIGHT COTTAGE 7 HORSESHOE LANE LONDON N20 (TOTTERIDGE WARD)

Committee received the officer report and addendum for Application number 17/1312/CON for Larch lap fencing panel and trellis on top.

An oral representation was heard from the applicant, Lorraine Robinson.

Following debate, Members made a motion to refuse the application, proposed by Councillor Alison Cornelius and seconded by Councillor Roberts. Reasons for the motion for refusal are outlined below:

The proposed fence, by reason of its design and appearance, would be out of keeping with the rural character of this part of the road and would not preserve or enhance this part of the Totteridge Conservation Area. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and the Totteridge Conservation Area Character Appraisal.

Add informative 1: The plans accompanying this application are: Drawing 2104 (received 4 April 2017).

It was **RESOLVED** that the application was refused for reasons outlined above.

Votes were as follows:-

For Approval (as in officer recommendation)	1
Refusal (against officer recommendation)	4
Abstained	0

17. PLANNING ENFORCEMENT QUARTERLY UPDATE JANUARY 2017 TO MARCH 2017

Members noted the report.

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

None.

The meeting finished at 9.48 pm

Location **8 Poynings Way London N12 7LP**

Reference: **17/1981/FUL**

Received: 28th March 2017

Accepted: 28th March 2017

Ward: Totteridge

Expiry 23rd May 2017

Applicant: Care off agent

Proposal: Erection of a two-storey dwelling house with rooms in roof space and basement level following demolition of garage and outbuildings. Extension to existing dwelling house including two-storey rear extension with pitched roof. Extensions to roof including 1no rear dormer window and 1no roof light to both sides

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. A0.00; Drawing no. A0.01; Drawing no. A1.04; Drawing no. A1.05; Drawing no. A0.02; Drawing no. A0.03; Drawing no. A1.01_PR; Drawing no. A1.02_PR; Drawing no. A1.03_PR; Drawing no. A1.04_PR; Drawing no. A1.05_PR; Drawing no. A2.01_PR; Drawing no. A2.02_PR; Drawing no. A2.03_PR; Drawing no. A2.04_PR; Drawing no. A3.01_PR; Drawing no. A2.05_PR; Drawing no. A2.06_PR; Drawing no. A2.07_PR; Drawing no. A2.08_PR; Drawing no. A3.02_PR; Drawing no. A4.01_PR; Drawing no. A4.02_PR; Drawing no. A5.01_PR; Block Plan; Site Location Plan; Planning Statement by Henry Planning; Visualisations.

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

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

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

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

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

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

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

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

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

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

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

- 6 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.

- 7 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.

- 8 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.

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

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

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

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

10 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).

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

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

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

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

- x. details of a community liaison contact for the duration of all works associated with the development.
- xi. details of the basement construction including removal of materials

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

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

13 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).

14 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

15 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features

to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

- 16 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no. 6 and no.9 Poynings Way shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 17 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 flank elevations of either property facing no. 6 or no. 9 Poynings Way.

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).

- 18 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.

- 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 £12,320.00 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 £56,763.57 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's

expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

1. Site Description

The site is located on the southern side of Poynings Way, at the far western end of the cul-de-sac within the Totteridge Ward. Poynings Way is accessed from Walmington Fold. It is one of three similar streets including Saddlescombe Way to the north and Steynings Way to the south. Poynings Way runs uphill from its junction to Walmington Fold, while the land level falls away from north to south. The street is located in a residential area, although there is a local retail parade at the junction of Walmington Fold and Lullington Garth.

The site consists of a detached dwelling within a very large garden to the side and rear of the property. There is a substantial gap between 6 Poynings Way and the only property on the site at 8 Poynings Way, although part of this site is occupied by a large garage. Residential properties within the street are predominantly large detached dwellings however at the western end of each cul-de-sac, the plots and the dwellings within them become larger and more spacious as they wrap around the turning circle.

The site, as well as the forecourt parking, is accessed from the turning circle and because of the deviation in the building line at this point, the rear elevation of the property on the site diverges away from the flank elevation of 9 Poynings Way.

The site is not located in a conservation area and the site is not located within the setting of any listed or locally listed buildings. There are no Tree Preservation Orders in effect on or adjoining the site.

In a previous appeal decision, the Inspector noted that the properties on Poynings Way are of different styles and size, although many have roofs with noticeable eaves overhang. The road has a well-established building line relative to the shape of the cul-de-sac, and whilst most are fairly closed sited to the shared boundaries, there are still perceptible gaps in the upper levels, creating a spacious character on the street.

2. Site History

Reference: APP/N5090/W/16/3163160 (appeal of 16/3949/FUL)

Address: 8 Poynings Way And Land Adj 8 Poynings Way London N12 7LP

Decision: Appeal dismissed

Decision Date: 31st January 2017

Description: Erection of a new two-storey dwelling house with rooms in roof space and basement level. Alterations and extension to the existing dwelling including an increase in ridge height, rear dormer window and 1no roof lights to both sides. Part single, part two-storey rear extension

Reference: 16/3949/FUL

Address: 8 Poynings Way And Land Adj 8 Poynings Way London N12 7LP

Decision: Refused (officer recommendation overturned by committee)

Decision Date: 17th October 2016

Description: Erection of a new two-storey dwelling house with rooms in roof space and basement level. Alterations and extension to the existing dwelling including an increase in ridge height, rear dormer window and 1no roof lights to both sides. Part single, part two-storey rear extension

Reasons for refusal:

Reason 1-The proposed development, by reason of its size, siting, plot coverage and front forecourt arrangement would appear as a cramped and incongruous overdevelopment of the application site which would be detrimental to local character and not respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The proposal would be detrimental to the character and appearance of the street scene and the wider locality, contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012), and policy 3.5 of the Mayors London Plan (MALP) 2016.

Reason 2- The proposed development, by reason of its layout and the insufficient turning and manoeuvring space would result in conflicts between vehicles in the development and those using Poynings Way, to the detriment of highway and pedestrian safety, contrary to Policies CS NPPF, CS1 and CS9 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 and DM07 of the Development Management Policies DPD (adopted September 2012).

Reason 3- The proposed new dwelling, by reason of its size, siting and proximity to No 6 Poynings Way would appear as a dominant, overbearing and visually intrusive addition when viewed from No. 6 Poynings Way, to the detriment of the amenities of the occupants of this neighbouring property. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

3. Proposal

Planning permission is sought for the demolition of all outbuildings and the erection of a new detached two storey dwelling house with additional basement and roof accommodation adjacent to 6 Poynings Way and the erection of a two storey rear extension to the existing property at 8 Poynings Way. The scheme would result in a new 6 bedroom dwelling house and a larger four bedroom dwelling house within the existing site. The scheme proposes that four car parking spaces would be accommodated within the front forecourt, which is to be subdivided to provide independent access.

The new dwelling would feature a substantial basement area which would have the potential to be accessed separately from the exterior. The new dwelling would also have roof level accommodation. The proposed dwelling would have a depth of 12.2m adjacent to 6 Poynings Way and a depth of approximately 15m adjacent to the existing dwelling. The property would have a frontage width of 7.5m and a maximum width of 12.4m. There would be a single storey rear projection at the rear of 2.24m depth and 8.1m in width. The ground to ridge height would be 9.3m measured at the front. There would be a basement excavation adjacent to 6 Poynings Way.

As already mentioned, the property would be a two storey building with a rear dormer and a part single storey and part two storey rear wing. The basement of the proposed dwelling would be set 1.6m from the boundary with no. 6 and 4.2m from the flank elevation of this property.

The existing dwelling would be extended in its entirety insofar as the existing rear elevation would be extended over both floors. The building would be extended by 4.0m along the boundary and the extension would have a maximum width of 8.94m. Due to the curvature of the road, the flank elevations diverge and at the rear of 9 Poynings Way, the flank

elevation would be at least 3.5m apart. The projection of the extension would be approximately 3.5m beyond the rear of 9 Poynings Way.

Each property would have 220sq.m of rear garden space which would significantly exceed the requirements set out in both the London Plan and the London Borough of Barnet supplementary planning guidance notes.

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties.
21 responses have been received, comprising 21 letters of objection

The objections received can be summarised as follows:

- Gap between properties unacceptable and perceived as 1.7m
- Gap has been adversely changed from the plans considered by the Inspector
- The eaves height of no. 7 would be 2m above no.6
- Inaccurate Plans
- Gap between properties has been reduced
- Overbearing mass closer to no.6
- Detailed Independent Review (by neighbours) requires Basement Impact Assessment/ Previous report submitted to Inspector was misleading
- Loss of light
- The proposed dwelling could be subdivided into smaller units/ potential for multiple occupancy
- The number of bedrooms has increased
- Parking pressures/ unrealistic parking provision
- Appearance of building like a block of flats
- Risk to flooding and ground water conditions
- Details of soil drainage must accompany any application for basement development in accordance with the Sustainable Design and Construction SPD 2013
- Developer has not considered objections by neighbours during pre-application consultation
- Scale, mass and nature of development remains an overdevelopment which committee should refuse
- Drainage problem exists in area
- Set precedent
- Overlooking/ loss of privacy
- Overbearing building
- Out-of-character
- Disturbance during construction
- Object to size, bulk and height
- The building would be almost 1m higher than no.6 and taking into account change in ground levels would be 2m higher than no.6
- Two storey rear extension would result in blank wall protruding beyond neighbouring property
- Waterlogging to properties at the rear
- Previously submitted daylight/ sunlight report inaccurate

A site notice was erected on the 6th April 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.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

Supplementary Planning Documents

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;
- Flood risk and the impact of basement accommodation
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenity for future occupiers;
- Impact on Highways;
- Sustainability.

5.3 Assessment of proposals

It must be noted that the current application follows on from a similar application which was dismissed by the Planning Inspector in 2016. The application was refused for three reasons:

Reason 1- The size, siting, plot coverage and front forecourt arrangement would appear as a cramped and incongruous overdevelopment of the application site which would be detrimental to local character and not respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets

Reason 2- The layout and the insufficient turning and manoeuvring space would result in conflicts between vehicles in the development and those using Poynings Way

Reason 3- The proposed new dwelling, by reason of its size, siting and proximity to No 6 Poynings Way would appear as a dominant, overbearing and visually intrusive addition when viewed from No. 6 Poynings Way.

The appeal decision, given that it is also for a similar scheme to that proposed, is a material consideration in the determination of this application. The report below will detail how the proposed scheme has addressed the reasons for refusal and objections raised by the Inspector. As a result, the new dwelling would appear to fit more comfortably within the plot, respecting the spaciousness between buildings, which is characteristic on the road.

Impact on the character of the area

The principle of residential development has been established on the road. In addition, the Inspector's report did not dispute the suitability for a new dwelling on the site and as such the principle of development is considered to be acceptable.

The Inspector noted that the gap between no.6 and the proposed new dwelling at 1.77m was acceptable and similar to the gaps between other buildings on the cul-de-sac. The gap as proposed has been narrowed to 1.58m when measured at ground floor; although the building would be marginally closer, due to the existing garage at no.6, there would still be a sufficient gap at upper floor levels which would be in keeping with the overall character of the road.

The Inspector did however consider that the gap between the proposed dwelling and no.8 at first floor level, due to the irregular footprint and angled design of the latter, would result in an unacceptable visible gap between the buildings, and the new building appearing contrived on the plot. In response to this, the new building has removed the second side projection fronting no.8 at first floor level and as a result the gap would be at least 3.1m measured at first floor level. It is considered that the partial removal of the massing at first

floor level to create a greater perceivable gap between the new and existing buildings has addressed the objection to the buildings appearing cramped on the site. The new dwelling would reflect the proportions and spacing between units that currently exist within Poynings Way.

As noted, the land slopes upwards towards the end of the cul-de-sac with no.6 Poynings Way being sited at a lower level; the properties on the road reflect the step in the road respectively. The Inspector highlighted that the eaves and ridge heights of the previously proposed buildings failed to reflect the "harmonious step of the buildings up the gradient" and as result would appear incongruous in relation to no.6. To respond to this, the ridge height of no.8 Poynings Way has been reduced by 0.82m from the ridge height of the previous scheme. In addition, the eaves height of both buildings has also been reduced to reflect the step up nature of the properties on the road; the eaves of the new dwelling would be 1m higher than the eaves of no. 6 Poynings Way, and 0.2m lower than the existing dwelling at no. 8 Poynings Way (this would be 0.4m and 0.5m lower than the refused scheme respectively, as indicated by drawing no. A0.02). In addition, the design of the roof involves an eaves overhang, which was noted as a distinctive feature on the road.

No objection was previously raised to a modern building in principle, however it was noted that the specific detailing particularly in the roof "would not amount to good design". The proposal under assessment is of traditional form, indicative materiality and the detailing at roof level is reflective of the context; as such it's design is considered acceptable.

It is considered that the scheme has addressed the reasons for refusal on character grounds raised by the Inspector.

Impact on flooding and basement

Concerns have been raised with regards to the potential localised flooding due to the basement in particular. Furthermore, residents are concerned that the proposed construction of a dwelling, including its basement would harm ground stability and ground conditions around the site. The officer report for the last application specified the following:

"This impact is acknowledged, however it is unclear what the cause or reason for this effect, although the gradient of the slope may be facilitating natural drainage towards Dollis Brook which is situated to the east of Walmington Fold.

In respect of the basement and its impact on local stability, the proposed development is supported by a Structural Survey which demonstrates (in accordance with relevant standards) that the measures undertaken will secure appropriate protection for both neighbouring dwellings and the application property. This application will be conditioned to ensure that it is constructed and implemented in accordance with the measures and recommendations set out there in."

It is noted that the submission of a structural report is not a requirement and this has not been submitted for the current application. Notwithstanding, the Inspector noted that report concludes that "the construction of the basement is unlikely to have any noticeable effects on the hydro-geotechnical environment in the immediate vicinity and that provided normal precautionary measures were taken the proposed basement would be unlikely to have a noticeable effect on adjacent trees". As such the Inspector considered that with the "absence of substantive evidence to the contrary [the Inspector] saw no reason to disagree".

Neighbouring residents have commissioned an independent review to respond to this which concludes that a condition should be added requiring a Basement Impact Assessment to be added. The review does not however identify any evidence of particular hydrological issues and therefore officers do not consider that there is a requirement for the applicant to carry out a Basement Impact Assessment.

The neighbours' report has been reviewed by the Council's structural engineer, who did not consider that there was any evidence in the report to justify a Basement Impact Assessment; the following response to the points raised in the report was provided:

- The geology map indicates this area is overlain with London Clay (a relatively stable sub-soil). However, a site investigation is recommended to confirm the ground conditions and ground water level; Building Control will request this information to assess the basement and foundation design.
- London clay has a relatively low permeability and is almost a complete barrier to ground water flow.
- The basement is restricted to the footprint of the new building therefore in itself will not change the area of new hard surfaces or the number of trees to be removed. The new building construction may need a land drain however this should be assessed by the project drainage engineer based on the site investigation results
- Excavation in a clay soil is less of a problem than in other areas of the borough where there are granular soils with high ground water flows.
- The contractor's method statement should be checked and approved by the project chartered engineer; this is covered under a separate legislation, not Planning.
- The new building is detached, differential foundation movement is usually only a problem when the buildings are connected.

In conclusion, the structural implications of the basement including the possible impact on neighbouring properties with regards to stability are assessed under Building Regulations and it is not considered justified to require a Basement Impact Assessment to be secured by a condition.

Impact on the amenities of neighbours

The third reason for refusal of the previous application specified:

"The proposed new dwelling, by reason of its size, siting and proximity to No 6 Poyning's Way would appear as a dominant, overbearing and visually intrusive addition when viewed from No. 6 Poyning's Way"

The Inspector acknowledged that due to the siting of the new dwelling, the outlook to no.6 Poyning's Way would be altered, however this was justified given the distance between the properties and it was considered that the scheme would not have such an unacceptable impact to warrant refusal.

It is acknowledged that the building would be sited closer by 0.2m than previously assessed, however it is still considered that the gap of 4.2m and the reduction in the eaves, would not have a substantially greater impact on the outlook to no.6 than that which the Inspector previously considered to be acceptable. It is therefore not considered that refusal is justified in this regard.

In other regards, the Inspector did not consider that the extension to the existing building would have an unacceptable impact on neighbouring occupiers and there are no other circumstances that warrant a different assessment.

Impact on the amenities of future occupiers

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. The SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The new dwelling would comply with the minimum space standards.

All proposed residential development should provide suitable outlook and daylight for future occupiers. All habitable rooms would benefit from suitable outlook and in this regard the scheme is considered to be acceptable. There is a room labelled as bedroom at basement level of the proposed new dwelling; although the outlook for this room would be limited due to the siting at basement level, the previous application was not refused in this regard. Moreover, consideration has been given to only one room being located at basement level, with outlook to the sunken terrace.

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. The development would provide generous separate gardens for each unit in accordance with the standards.

The proposal is considered to provide high quality units for future occupiers and is acceptable in this regard.

Impact on Highways

The site is located at the end of a cul-de-sac in a quiet predominantly residential area. The street is very narrow in width which therefore discourages on street parking to avoid blocking other vehicles and pedestrians. All properties therefore have front forecourt parking. The circle at the end of the street is for the purposes of turning for vehicles to go back down the street towards Walmington Fold.

Policy DM17 sets out the parking standards for new dwellings and given that the proposal seeks to provide an additional four (possibly five) bedroom property in addition to the existing four bedroom property, the policy implication is that each property should be provided with the capacity to provide for two spaces per unit. The scheme layout has been designed to provide for four formal car parking spaces which would therefore allow the development to accord with this standard. The front courtyard has been formally subdivided, removing the previously proposed shared access and allowing each unit to benefit from independent vehicular access.

The applicant has provided a diagram to demonstrate manoeuvrability and officers are satisfied that this has addressed the previous concerns.

It must be noted that the Inspector did not consider that the parking arrangements were unsatisfactory, however noted that it was likely that there would be reverse turning movements either from or onto the highway. Given that the units would benefit from separate access, the risk of potential vehicular conflicts is considered to be reduced and it

is considered that the third reason for refusal of the previous application has been addressed.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

CIL

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

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

The proposal has been calculated to be liable for £56,763.57 of Barnet CIL and £12,320.00 of Mayor's CIL.

5.4 Response to Public Consultation

The planning related comments raised by objectors are generally considered to have been raised above. Other comments or clarifications are discussed below.

"Gap between properties unacceptable and perceived as 1.7m" - This measurement is taken at an angle rather than running parallel from the proposed dwelling to no.6. The response to the gaps between buildings is addressed in the appraisal above.

"The eaves height of no. 7 would be 2m above no.6"" Inaccurate Plans"- Based on the information provided, this is not considered to be the case. Officers do not consider that the plans are inaccurate.

"The proposed dwelling could be subdivided into smaller units/ potential for multiple occupancy"- This would require planning permission. If neighbours are concerned that this, in the future, has been carried out, the Planning Enforcement team would need to investigate the breach of planning consent.

"The number of bedrooms has increased"- This is as result of relabeling of rooms, however the proposed unit would still comply with the minimum space standards.

"Details of soil drainage must accompany any application for basement development in accordance with the Sustainable Design and Construction SPD 2013"- The SPD has been updated and specifies that details of "soil and drainage will normally be required at the time of submitting a planning application" (Residential Design Guidance SPD Adopted October 2016). A condition requiring a drainage strategy has been added to the recommendation.

"Disturbance during construction"- A condition has been added requiring the details of how construction will be managed to mitigate disturbance to neighbouring occupiers.

"The building would be almost 1m higher than no.6 and taking into account change in ground levels would be 2m higher than no.6"- The change in ground levels are acknowledged, however the building would still be a significant distance from the boundary and the eaves of the building would be lower than previously submitted.

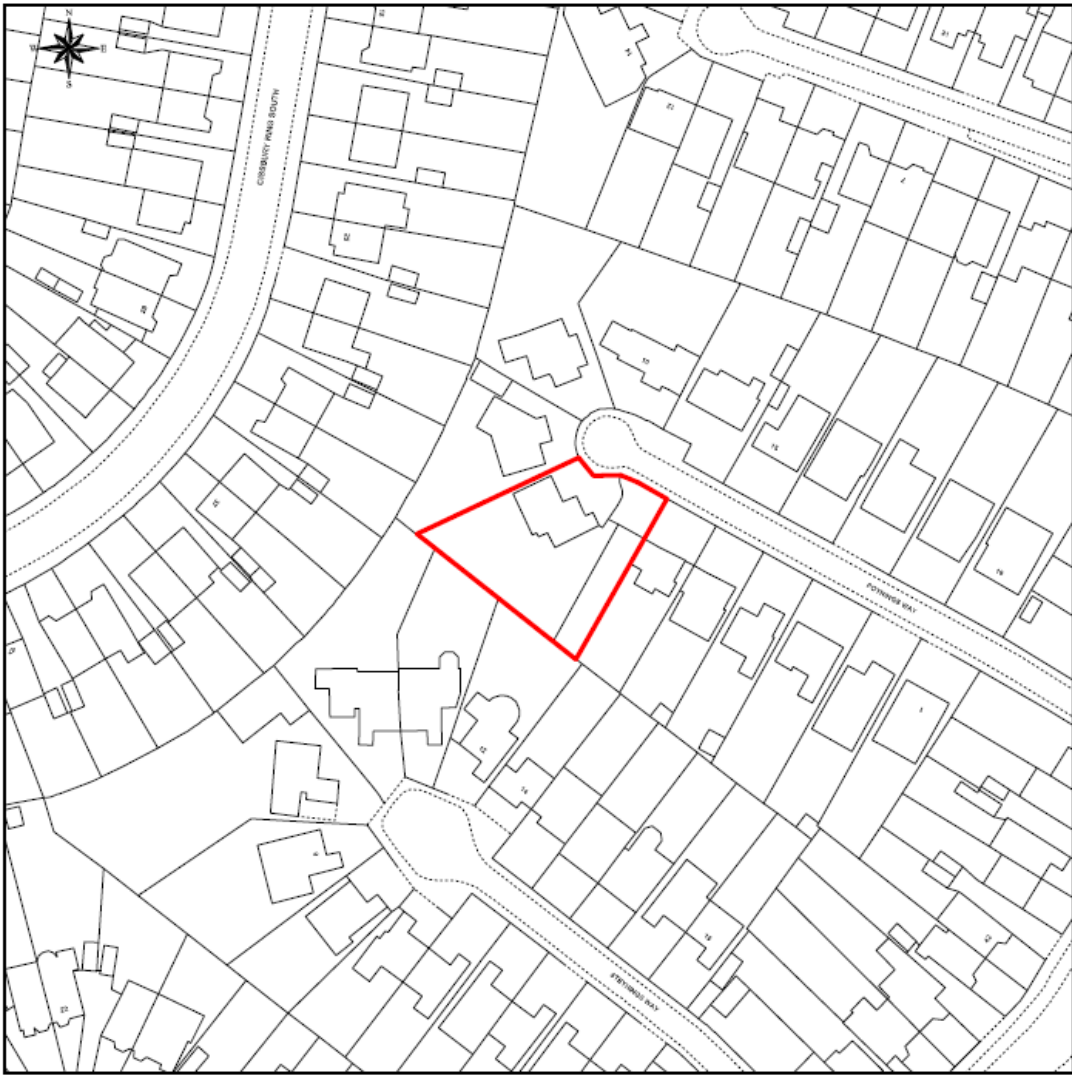
"Previously submitted daylight/ sunlight report inaccurate"- There is no evidence to substantiate that the report was inaccurate.

6. Equality and Diversity Issues

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

7. Conclusion

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



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0m 20m 40m 60m 80m 100m

Location **67 Leicester Road Barnet EN5 5EL**

Reference: **17/2413/FUL**

Received: 12th April 2017

Accepted: 12th April 2017

AGENDA ITEM 7

Ward: High Barnet

Expiry 7th June 2017

Applicant: n/a

Proposal: Demolition of the existing buildings and erection of a two storey plus rooms in roofspace detached building comprising 6no self-contained flats with associated amenity space, cycle and bin stores. Provision of 7no. off-street parking spaces

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 17002 PA 01.01; Drawing no 17002 PA 02.01 Rev B; Drawing no 17002 PA 02.02 Rev B; Drawing no 17002 PA 02.03 Rev B; Drawing no 17002 PA 02.04 Rev B; Design and Access Statement by DS Squared Architects dated April 2017; Noise Impact Assessment by Clement Acoustics report 12176-NIA-01 RevB dated 10th April 2017.

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01

of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

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

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

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

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

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

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

- 6 Before the development hereby permitted is first occupied, the bin stores as indicated on Drawing no. 17002 PA 02.04 Rev A and Drawing no. 17002 PA 02.01 Rev A shall be implemented in full accordance with the details as approved 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 the development hereby permitted is occupied the cycle parking and car parking spaces as shown on Drawing No. 17002 PA 02.01 Rev A and 17002 PA 02.04 Rev A 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.

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

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

- 9 The amenity space shall be implemented and subdivided in accordance with the details indicated on the hereby approved Drawing no. 17002 PA 02.01 Rev A 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 (adopted October 2016).

- 10 a) No development shall take place until 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, has been submitted to and agreed in writing by the Local Planning Authority.

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

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

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

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.65 and no.69 Leicester Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 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 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.

- 15 Before the development is commenced details of the pedestrian links through the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details before the site is occupied.

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

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

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

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

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

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

- 17 Prior to occupation a traffic light controlled warning system giving preference to vehicles entering the site should be provided to manage the one way operation of the access road within the site.

Reason: To ensure the safe form of access to the development and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 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.

- 20 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.

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 £6,580.00 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 £31,385.09 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 The applicant is advised that they will need to enter into a section 184 agreement to facilitate the Highways works.
- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

Officer's Assessment

1. Site Description

The application site is an L-shaped site located on the southern side of Leicester Road within the High Barnet ward.

The site appears to be L-shaped due to the historic partial subdivision of the rear garden of 65 and 65A Leicester Road to the east.

The property is not listed nor does it lie within a conservation area.

The site is currently occupied by a two storey detached dwelling, with a number of trees, which are not protected by a Tree Preservation Order, to the rear.

There are arrays of different typologies within the New Barnet area acknowledged by the Council's Characterisation Study, such as Station Road to the south of the site being recognised as a 'Flats' typology with large apartment blocks. Leicester Road has a widely varied character and is identified as 'suburban', with a mixture of architectural styles, single family units and blocks of flats, which are at a smaller scale than the flats on Station Road.

On the opposite side of the road, to the north, lies a group of semi-detached two storey dwellings and a three storey block of flats with rooms in the roofspace to the northwest, known as Bowmar Lodge.

To the east and west of the host site are semi-detached two storey dwellings (of differing designs) with off-street parking.

To the south, the site abuts the rear gardens of large flatted development located on Station Road.

2. Site History

Reference: 15/05432/FUL

Address: 67 Leicester Road, Barnet, EN5 5EL

Decision: Refused

Decision Date: 30.12.2015

Description: Demolition of the existing buildings and erection of a 1no, two-storey building with rooms in roof space to provide 4no self-contained flats and 1no two-storey building to provide 4no self-contained flats with associated parking, landscaping and amenity space.

Reasons for refusal:

Reason 1- The proposed block to the rear of the site by virtue of its scale, mass, siting and layout would fail to reflect the spatial pattern of development in the surrounding area. The proposal would therefore be detrimental to the character and appearance of the application site and surrounding area, contrary to the National Planning Policy Framework 2012, London Plan 2015 Policy 7.3, Core Strategy Policies CS1 and CS5, Development Management Policy DM01 and the Residential Design Guidance SPD 2013.

Reason 2-The proposed block to the rear of the site by virtue of its scale, mass, siting and layout would result in an overbearing and overly dominant structure resulting in a perceived sense of enclosure which would fail to respect the amenities of neighbouring

occupiers, particular to no. 65, 65A and 69 Leicester Road. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, London Plan 2015 Policy 7.6, Core Strategy Policies CS1 and CS5, Development Management Policies DM01 and DM02, the Residential Design Guidance SPD 2013 and Sustainable Design and Construction SPD 2013.

Reason 3- The proposed development would fail to provide adequate vehicle access, detrimental to the free flow of traffic and pedestrian and highway safety. The proposal would therefore fail to comply with London Plan (2015) Policy 6.13, Core Strategy Policy CS9 and Policy DM17 of Development Management Policies (2012).

Reason 4- The proposed block to the rear of the site by virtue of its scale, mass, siting and proposed use would result in a heightened level of activity at the rear of the site and noise and disturbance to neighbouring occupants of the surrounding properties, particular to no. 65, 65A and 69 Leicester Road. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, London Plan 2015 Policy 7.6, Core Strategy Policies CS1 and CS5, Development Management Policies DM01 and DM02, the Residential Design Guidance SPD 2013 and Sustainable Design and Construction SPD 2013.

Reason 5- The proposed residential units would result in sub-standard accommodation which fails to meet the required minimum space standards of bedrooms to units 5 and 7 to the detriment of the amenities of future occupiers. The proposal would therefore fail to comply with Core Strategy Policies CS1 and CS5, Development Management Policies DM01 and DM02, the Residential Design Guidance SPD 2013 and Sustainable Design and Construction SPD 2013.

3. Proposal

The applicant seeks planning consent for the demolition of the existing single family dwelling and erection of a two storey detached building including rooms in the roof space to provide 6 no. self-contained flats with associated car and cycle parking, refuse storage and amenity space.

The units would be comprised as follows:

- 2 x 1 bed (2 occupiers) flats
- 1 x 2 bed (3 occupiers) flats
- 2 x 2 bed (4 occupiers) flats
- 1 x 3 bed (6 occupiers) flats

The proposed building would have a similar front building line to the existing building; in line with no. 69 at the boundary, with a central gable with a projection of 0.6m, and 2.7m beyond the front elevation of no.65. The building would cover the width of the plot, with an undercroft access adjacent to the boundary with no. 65.

The building would maintain a gap of 2.9m from the flank elevation of no.69. On the other side, the building would maintain a gap of 2.5m from the front flank elevation of no. 65, and 1.4m from the recessed side wing.

The building would have a maximum depth of 16.75m at ground floor and 15.35m at first floor. At first floor level, the building would project 3m beyond the first floor rear elevation at the boundary with no.65 and 4.8m beyond no.69. The building would have a central rear

projection, with a depth of 2.3m (measured from the side closest to no.65), set 2.6m from the boundary with no.65 and 3.2m from boundary with no.69.

Amenity space would be provided to the rear of the site, with a communal garden at the rearmost section of the site covering an area of approximately 540sqm. In addition, unit 1 would benefit from a private garden with an area of 41 sqm.

The application follows on from a previously refused application (15/05432/FUL) for two blocks of flats, one located at the front and another in the rear garden. The scheme was refused for several reasons, generally relating to the block of flats at the rear.

4. Public Consultation

Consultation letters were sent to 125 neighbouring properties. 8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Development is too large for plot
- Could potentially accommodate between 20-25 adults
- Impact on parking
- Manoeuvrability of vehicles and safety implications
- Noise
- Vehicle pollution
- Loss of light and outlook
- Loss of two off-street parking spaces to make way for crossover
- Road is too narrow
- Wider building than existing
- Loss of green space at the rear
- Smaller development would be more in keeping
- Existing house is fine example of period property.
- Imposing building
- Strain on local services
- Impact on demolition including exposure to toxic substances/ materials
- Impact during construction
- Backland development
- Overly dense development

A site notice was erected on the 27th April 2017.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15.

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The Principle of development and density
- 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 the development would provide suitable amenity for future occupiers;
- Whether harm would be caused to trees of special amenity value;
- Impact on Highways;
- Sustainability.

5.3 Assessment of proposals

Principle of development and density

There is no objection to the demolition of the building given that the building is not in a conservation area nor is it a noted heritage asset.

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.

Due to the varying character of the dwellings and the tenure on Leicester Road, officers do not object, in principle, to the principle of flatted development.

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 3 which is considered to be average, and is considered to fall within a suburban setting as defined in the London Plan.

The proposal has been calculated as having 23 habitable rooms and has an area of 0.1153ha. Based on this, the density would equate to 52.04 units per hectare (199.48 habitable room per ha). The scheme would comply with the London Plan density matrix which stipulates a recommended range of 35-95 units per hectare and 150-250 habitable room per ha.

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.

The proposed development would result in the loss of family dwelling house (assumed to be at least 3 bedrooms). Policy DM08 stipulates that for market housing, the highest priority is for family homes; the scheme would include a flat which would be considered as a family unit. In addition, the overall increase in the number of units is considered to outweigh the loss of the family unit due to the associated benefits of adding to the housing stock.

Impact on the character of the area

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 building line of the proposed building is reflective of the main building line of the existing building. At the rear, although the building would be deeper than the immediate neighbouring properties, given the wider context of Leicester Road, the depth of the building is not considered to be out-of-character. There are other examples on Leicester Road of relatively deep buildings at the rear and in this regard, the scheme would be acceptable

It is accepted that the building would span the width of the plot; however it would still maintain suitable gaps between the flank elevations of neighbouring buildings. On both sides, the gap would be generally in excess of the 2m requirement as stipulated in the Residential Design Guidance SPD.

The design of the building is such that the bulk and massing has been broken down to appear subordinate in certain sections, such as adjacent to no. 65 where the roof of this section is lower than the ridge of the main building. In addition, the front elevation includes recessed sections. Whilst the scale of the proposed structure would be larger than adjacent buildings, the wider context of Leicester Road must also be considered. There are numerous examples of larger flatted developments on other sections of the road and the bulk, scale and massing of the proposed scheme, would in this regard, not be deemed out-of-character.

The eaves and ridge height of the building are considered to be acceptable. The ridge height, although higher than the immediate properties either side, would reflect other ridge heights on the road. The eaves height would match the eaves height of the neighbouring buildings. The proposed front dormer would be centrally located and appears modest in size. The rear dormer would be centrally located and since the originally submitted has been reduced in width and height to site more comfortably on the roofslope.

The principle of rearward parking is considered to be acceptable and has already been established on the road. In terms of impact on the character of the area alone, officers raise no objection.

In terms of parking at the front, this is acceptable in principle. A condition has been added requiring a landscaping scheme to reduce the visual impact on the building and to mitigate against excessive levels of hardstanding.

The building would still retain a large garden at the rear, much larger than neighbouring properties and in keeping with the character of the area. The previous application was refused on the impact of development at the rear; this is no longer a justified reason to refuse the application given the removal of this element.

Overall, the proposal is considered to be suitable in the context of the varied character of Leicester Road.

Impact on the amenities of neighbours

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 an urban/suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

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

The Residential Design Guidance SPD 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. Although there are proposed windows to the side elevations of neighbouring properties, these are not primary windows and therefore the siting of the building is not considered to be harmful. To mitigate against the perception of overlooking, the flank windows of the host building would be conditioned to be obscured glazed.

Although the building would project beyond the rear elevation of both neighbouring properties, consideration has been given to the siting of the existing building. As proposed, the building would have an additional projection from the existing host dwelling of approximately 0.7m near the boundary with no. 65 and 1.15m at the other boundary. Given the modest increase in depth compared to the existing building and the distance between neighbouring properties, particularly from the central projection it is not considered that the scale of the building would pose demonstrable harm to the visual amenities of neighbouring occupiers.

As part of the application, the applicant has provided a noise impact assessment which has been reviewed by the Council's Environmental Health officers, who are satisfied that the development would not be harmful to the amenities of neighbouring occupiers. The parking at the rear is proposed to be set away from the garden of no. 69, and buffered by a path along the boundary with no. 65. The proposal would involve an acoustic fence, sited along the boundary; details of this would be obtained by a condition. It is not considered that the comings and goings would result in unacceptable noise and disturbance to the occupiers of the neighbouring properties.

For the reasons specified above, the scheme is not considered to cause unacceptable harm to the amenities of neighbours to warrant refusal of the scheme, particularly given the existing building's depth and siting and gap between properties.

Impact on the amenities of future occupiers

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. The SPD also confirms that habitable floorspace in rooms with sloping ceilings is

defined as that with 1.5 m or more of ceiling height. The units would comply with the respective minimum space standards.

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would generally benefit from suitable outlook and light; the middle bedroom of the top unit would be served by rooflights and a gable window at the front. One of the bedrooms to the same unit would however be served by rooflights only and the outlook to this room would be limited. Given that this is only one room, and other habitable rooms in this unit benefit from sufficient outlook, it is not considered that this reason alone is sufficient to recommend refusal.

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, the outdoor amenity space provision is calculated as 5sqm per habitable room. Unit 1 would benefit from a private garden with an area of 41sqm which far exceeds the 20sqm required. The other units would benefit from a communal garden with an area of 540sqm, which exceeds the requirement of 100sqm.

The proposal is considered to provide high quality units for future occupiers and is acceptable in this regard.

Impact on Trees

The Council's Trees team were previously consulted on the last application and at the time did not consider that the loss of the trees and vegetation within the site would be unacceptable.

In addition, there are no trees in the immediate vicinity of the site which are protected by Tree Preservation Order.

The loss of trees did not previously form a reason for refusal and there are no circumstances that would now warrant refusal on these grounds.

A condition has been added recommending a landscape scheme to be provided for the front garden to soften the appearance of the building.

Impact on Highways

The Council's Highways have been consulted on the scheme and subject to conditions do not object to the proposal.

The existing property serves as a single family dwelling with one off street parking space. The site lies within a public transport accessibility rating of 3, which is considered to be average, and although not within the town centre, is within walking distance from it. The site is not within a Controlled Parking Zone (CPZ)

The creation of 6 units (comprised of 2x 1 bed units, 3x 2 bed units and 1x 3 bed units) would require a parking provision of 7 spaces in accordance with Policy DM17. The scheme would provide 7 parking spaces in total, with 5 spaces located at the rear of the site and 2 at the front. The provision would be in accordance with Policy DM17.

In order to provide the parking proposed, the development requires the construction of two new accesses; one access will be the extension of an already existing access which will serve the 2 off-street parking spaces at the front, and the other to create an access road to the rear of the property. The maximum crossover width is 4.8m with a minimum of 1.8m between crossovers. The two proposed crossovers comply with these requirements.

With regards to the parking at the rear, the access road is not wide enough to accommodate two-way traffic. To address this, a warning system is indicated on the plans to manage the one way operation. This system would have to be installed prior to occupation, with priority given to vehicles entering from the public highway; this has been added as a condition.

It is also proposed to have a pedestrian walk path alongside the access road that will be differentiated by a different surface material. No physical segregation between pedestrians and vehicles is proposed, which could raise the possibility of a conflict occurring however these details would be secured by a condition.

A refuse storage point has been identified on Drawing no. 17002-PA-02.02 Rev A. This storage point is within 10m of the public highway and is therefore acceptable on highway grounds. In addition, the store would be sufficient to accommodate the waste/ recycling bins for all the units.

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 10 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). The proposed site plan indicates that cycle storage for 10 bikes would be located at the rear of the site and the cycle store is considered modest in appearance. The provision of cycle parking is in accordance with this policy.

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 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

CIL

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

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

The proposal has been calculated to be liable for £31,385.09 of Barnet CIL and £6,580.00 of Mayor's CIL.

5.4 Response to Public Consultation

It is considered that the planning related objections have generally been addressed in the report above. Other comments are addressed below.

"Could potentially accommodate between 20-25 adults"- based on the number and size of the units, there could be up to 21 occupiers. The impact of this is addressed above.

"Strain on local services" - The proposal would make a contribution towards CIL charges which help pay for community infrastructure.

"Impact on demolition including exposure to toxic substances/ materials"- the demolition of the building does not require planning permission. There is no evidence to indicate that there are any toxic materials on the building. An informative has been added to the recommendation however requiring that the demolition is carried out by an approved contractor and notification given to residents.

"Impact during construction"- a condition has been added requiring a construction and logistics plan to be provided to the Local Planning Authority for review. Details that would be expected include the siting of plant and how the general construction would be managed to mitigate the level of disturbance.

"Backland development"- this is not a part of the scheme (it was part of the previous application)

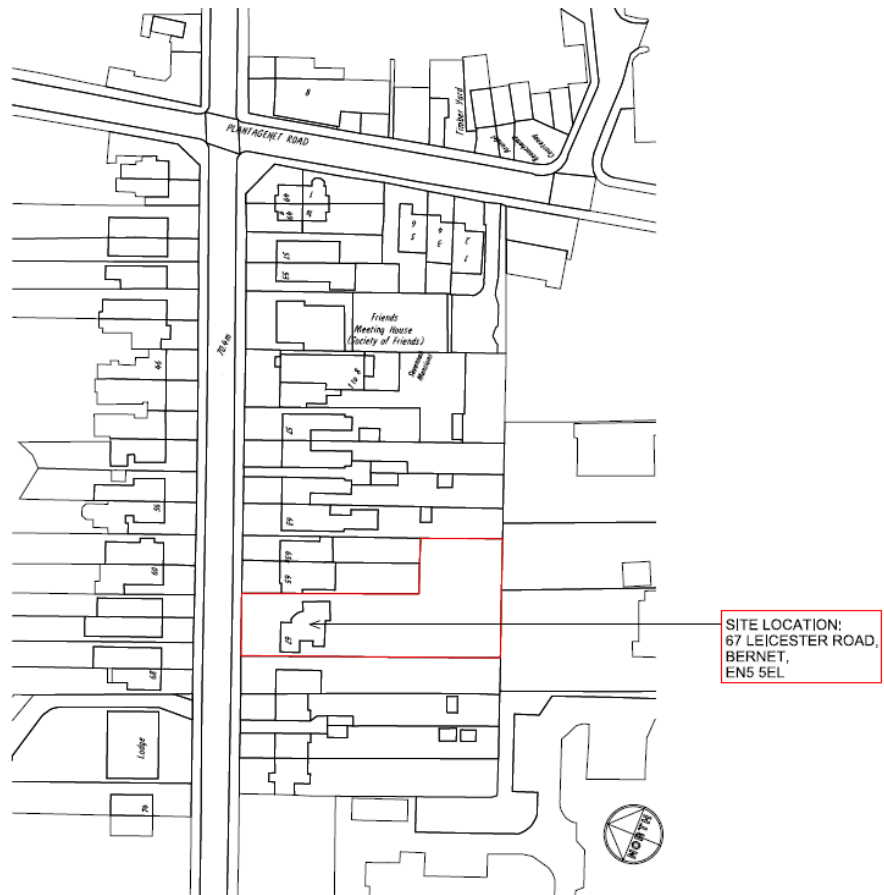
6. Equality and Diversity Issues

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

7. Conclusion

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

LOCATION PLAN
SCALE 1:1250



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Location **1277 High Road London N20 9HS**

Reference: **16/7912/FUL**

Received: 13th December 2016

Accepted: 18th January 2017

Ward: Totteridge

Expiry 15th March 2017

Applicant: Mr Fadi Antar

Proposal: Change of use from Sui Generis to restaurant (Use Class A3). Erection of conservatory to rear.

AGENDA ITEM 8

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1, 2A, 3, 4, 5A, 6A, 7E, 8C, 9B.

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 premises shall be used for Use Class A3 (Restaurant) and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 4 The use hereby permitted shall not be open to members of the public before 09:00 or after 02:00 Fridays to Saturdays, or before 09:00 or after 01:00 Sundays to Thursday and Bank and Public Holidays.

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

- 5 The materials to be used in the external surfaces of the single storey rear extension hereby approved shall match those used in the existing building.

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).

- 6 The level of noise emitted from the flue 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.

- 7 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority
b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 8 a) The site shall not be brought into use or first occupied until details of the means of enclosure to the rear of the site 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 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).

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 applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
 - Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 3 The applicant is reminded that any alterations to extraction or ventilation equipment at this site is likely to constitute development which requires planning permission in its own right. Advice should be sought from the Local Planning Authority and the Council's Environmental Health department prior to the submission of an application, to ensure that adequate information is submitted to accompany an application.

Officer's Assessment

1. Site Description

The application site contains a detached two storey building. The front façade contains four sets of full-height doors at ground floor level with arches to the top (three within the main two storey façade and one within a single storey side element). The first floor contains three windows, directly above the doorway arches. The building has a tall parapet, with the hipped roof set back from the edges of the building. The roof contains dormer windows. Internally, the building contains four floors (basement, ground, first, and second floor within the roofspace). The rear part of the building contains a large single storey projection.

The last formal use of the building was as a nightclub/bar. That use ceased a number of years ago. Since then, the building has been subject to occupation by squatters. The front forecourt area, which previously comprised a large timber decked area, has been used for the sale of second-hand goods.

The site is located within Whetstone Town Centre and is part of the Primary Shopping Frontage. To the south of the application site is the two storey building which currently contains Boots at ground floor, and residential units above. To the north is a three storey row, with commercial units at ground floor level within front-projecting shopfronts.

2. Site History

B/02522/08: 1277 High Road, London, N20 9HS. Retention of retractable awning together with ancillary supporting structure.

Decision: Refused. **Decision Date:** 8 January 2009.

N09677E/07: 1277 High Road, London, N20 9HS. Single storey external smoking area to rear.

Decision: Approved subject to conditions. **Decision Date:** 20 September 2007.

3. Proposal

This application seek the change of use of the building from a sui-generis use to a restaurant, falling within Use Class A3.

In addition, the application proposes the construction of a conservatory to the rear. This would wrap around the perimeter of the existing single storey rear projection and would require the demolition of an existing detached storage building to the rear. The proposal would have a depth to the rear of 2.5 metres (1.8m back from the site boundary), and increase the width of the single storey rear projection by 3.9 metres to the south (retaining a 1.8m gap to the boundary) and 3.2 metres to the north (up to the existing boundary wall structure).

It should be noted that when originally submitted, this application included a proposed seating area to the front of the building. However, as that area would have been constructed on the Public Highway, it has since been removed from the plans and no longer forms part of this application. Therefore, this application is only for the development referred to above.

4. Public Consultation

Consultation letters were sent to 90 neighbouring properties. A site notice was also displayed. 37 responses have been received, comprising 37 letters of objection.

The objections received can be summarised as follows:

- The pavement area which is being suggested as seating is part of the public highway and will prevent pedestrians from walking.
- There have been problems with noise from the existing layout, and extending the building closer to neighbours and using a glass roof could increase the noise, making it hard to sleep.
- The previous incarnations of the building have attracted problems with drugs, drunken people in the rear car park and the police being called.
- This is a residential area, not conducive to having a nightclub which will be open until 3am seven days a week.
- Object to the conservatory as it is intended to be used as a shisha smoking lounge.
- Area has the wrong demographic for this development.
- User's parking will spill into neighbouring residential roads.
- Proposed use will allow for the sale of alcohol which will lead to noise, disruption and Anti-Social Behaviour.
- It is unlikely that guests will be attending between 11pm and 3:30am to use the restaurant, therefore it will become a late night drinking venue and to attract young people will have loud music.
- Object to loud music and late opening in this area of residential suburban London. We do not want a 'Costa-del-Whetstone'.
- Rear conservatory will reduce the acoustic insulation of the entire building.

Friern Barnet and Whetstone Resident's Association:

- The construction of the conservatory would give rise to a material intensification of the use, and therefore increased customers gathering outside the premises and leaving in cars late at night and in the early hours of the morning. This is likely to cause disturbance which would be detrimental to the amenity of local residents.
- The locality has become increasingly residential in character as offices have been converted to residential use. This means what was previously an acceptable level of noise and disturbance from the current use should no longer be considered acceptable.
- The change in the character of the area is such that the premises are now unsuitable for any night-club use.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS6.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11 and DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 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 vitality and viability of Whetstone Town Centre
- 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 vitality and viability of Whetstone Town Centre

Policy DM11 sets out the development principles for Barnet's Town Centres. It notes that the council will expect a suitable mix of appropriate uses as part of development within town centres to support their continued vitality and viability.

At DM11(b)(i) this policy notes that 'a development proposal which reduces the combined proportion of Class A1 retail use at ground floor level in the primary frontage below 75% will not be permitted. In this instance, the existing use and previous use is not Use Class A1, and therefore the introduction of the proposed Use Class A3 use would not contradict this policy requirement.

The supporting text to DM11 explains that the Core Strategy supports a healthy evening economy. Non-retail uses, where an active street frontage can be maintained, can help maintain the viability and vitality of some of the town centres. Uses including those in the evening economy can make a contribution providing appropriate planning conditions or licensing limits any harmful impacts on nearby residential amenity.

DM11(b)(v) notes that evening economy uses will be expected not to have an adverse affect on the amenities of local residents and be in keeping with the scale and character of the surrounding area. The appraisal below discusses in detail the potential impacts of the proposed use on the amenities of neighbours. In respect of the scale and character of the surrounding area, it is noted that this development would only extend the building to the rear, with the front façade remaining as existing. The scale and massing of the application

building would not be materially altered. The proposed use as a restaurant would be in keeping with the surrounding premises, which are a mixture of retail units, cafes, public houses and restaurants. The proposal would bring back into use a vacant site within the town centre. It is considered that the proposed restaurant use would be appropriate for this town centre location.

Impact on the character and appearance of the host building and the wider area

The proposed conservatory would change the appearance of the building when viewed from the carpark to the rear. The existing brick extension would be enlarged, and have a larger proportion of glazing. The resultant structure would remain subordinate in scale to the host building. It would be viewed from the car park area which has a mixed character with various single storey buildings, workshops and extensions visible. It is not considered that the proposal would harm the character or appearance of this area.

Impact on the amenities of neighbours

The proposed change of use would not result in any adverse impact on the amenities of neighbours. The proposed use as a restaurant would likely result in less noise and disturbance than the previous use of the building as a nightclub. Conditions are recommended to this planning permission which would restrict the hours of operation of the proposed use.

It is noted that the applicant has obtained a premises licence from the London Borough of Barnet. Whilst not directly relevant to this application, it is considered important to note the following conditions of that licence:

- Playing of recorded music permitted indoors only, 09:00 to 01:30 Friday to Saturday, and 09:00 - 00:30 Sunday to Thursday.
- Hours open to the public 09:00 to 02:00 Friday to Saturday, 09:00 to 01:00 Sunday to Thursday,
- Non-standard timings and seasonal opening times: Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day, all public bank holidays, Good Friday, Easter Sunday, Easter Monday, Diwali Festivities and Eid Festivities all from 09:00hrs until 04:00hrs.
- All amplified music is to be played through a noise limiter, which shall be set at a level agreed by an officer qualified in noise at Barnet Council. The level at which the music will be played will be at background level only unless a Temporary Event Notice is applied for.
- No music shall be played or relayed in the area proposed as the conservatory.

It should be noted that this is only a sample of the conditions considered relevant to this planning application. Other conditions, relating to the provision of late night refreshment and the sale or supply of alcohol are included on the licence but are not considered relevant to this planning application as they would not directly relate to any material planning considerations. By way of a comparison, The Griffin Public House (located directly opposite this application site) has a licence allowing opening between 10:00 and 00:30 Sunday to Wednesday, and 10:00 to 01:30 Thursday to Saturday.

The hours of use will be comparable to other restaurants in the vicinity and subject to these conditions it is not considered that the use of the building as a restaurant would be harmful to the amenities of neighbours.

In respect of the extraction and ventilation equipment which would be required for the kitchen use, the applicant has confirmed that the existing equipment to the rear of the site will be retained and utilised. Therefore, this application does not include any changes to the external extraction and ventilation equipment.

5.4 Response to Public Consultation

The majority of objections received make reference to the use of the building as a night club, and make references to opening hours up to 3am. It should be noted that the use proposed is a restaurant (Use Class A3) and not a nightclub. Issues in respect of the previous incarnations of the site are not material to the current application.

In respect of concerns with the impact on parking, the application site is located in a town centre which does have a car park and much unrestricted parking on the High Road and surrounding roads. It is not considered that this proposed development would materially or demonstrably harm highway safety or the free flow of traffic.

Noise from within the premises is controlled under the terms of the licence and is not a specific planning matter as music could be played from the premises without the need to first obtain planning permission.

This application no longer proposes a new flue or kitchen extraction equipment, and no longer proposes an outdoor seating area to the front.

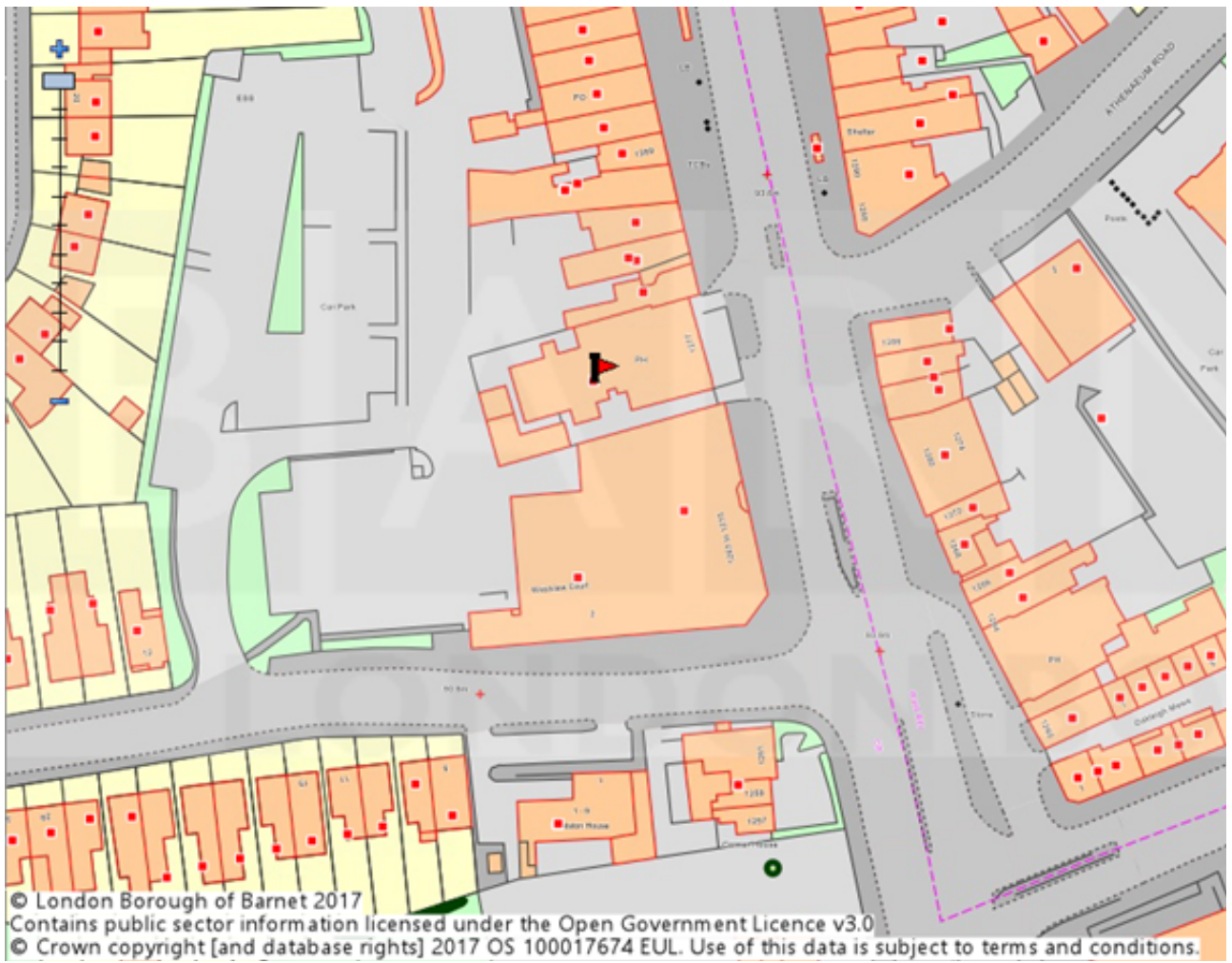
Planning permission would not be required for the space to be used for smoking shisha. However, the premises would need to comply with the relevant smoke free legislation which is entirely separate from planning.

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.



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Location **Associates House 118 East Barnet Road Barnet EN4 8RE**

Reference: **17/1660/FUL**

Received: 15th March 2017

Accepted: 15th March 2017

Ward: East Barnet

Expiry 10th May 2017

Applicant: Mr R MASON

Proposal: The erection of a single storey detached building (Office) located to the rear of the property, alterations to fenestration and the construction of a rear patio area

AGENDA ITEM 9

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.424914/2 and Sequential Test evidence base.

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

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

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

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

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

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

- 4 The building hereby permitted shall be open for use only between 8am-6pm Monday-Friday and between 8am-1pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

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

- 5 The premises shall be used for B1a and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 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 the use hereby permitted first commences the parking spaces shown on Drawing No.424914/2 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development and by occupiers of Associates House.

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.

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 comprises a broadly rectangular area of land situated on East Barnet Road, close to its junction with Margaret Road. The application site contains one main building, which is 3 storeys in height, and an area of hardstanding located to the south of this. The area of hardstanding currently includes parking facilities for cars. The site is accessed by pedestrians and vehicles from East Barnet Road. The property is located circa 75m away from New Barnet Town Centre.

2. Site History

Reference: 15/05032/FUL

Address: Associates House, 118 East Barnet Road, Barnet, EN4 8RE

Decision: Refused and appeal dismissed

Decision Date: 5 October 2015

Description: The erection of a single storey detached building (Office) located to the rear of the property, alterations to fenestration and the construction of a rear patio area

Reasons for refusal:

- The proposed B1 (office) use, by reason of its location on the edge of New Barnet Town Centre and in the absence of evidence demonstrating sequential testing within that Town Centre would constitute an inappropriate form of development that would be detrimental to vitality and viability of the New Barnet Town Centre contrary to policy CS6 and CS8 of the Barnet Core Strategy (2012) and policy DM11 and DM14 of the Adopted Barnet Development Plan (2012).
- The proposed development by reason of its siting, overall size, bulk and height would represent a visually obtrusive form of development that would result in an unacceptable loss of outlook and create an over-bearing impact to the detriment of the residential amenities of neighbouring occupiers within Associates House. The application is therefore unacceptable and contrary to policy CS5 of the Barnet Core Strategy (2012), policy DM01 and DM02 of the Barnet Development Management Policies Document (2012), policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

Reference: 15/03113/FUL

Address: Associates House, 118 East Barnet Road, Barnet, EN4 8RE

Decision: Refused

Decision Date: 14 July 2015

Description: Erection of a new two storey office building at the rear.

Reference: B/04835/14

Address: Associates House, 118 East Barnet Road, Barnet, EN4 8RE

Decision: Prior Approval Required and Approved

Decision Date: 22 October 2014

Description: Change of use from Class B1 (Office) to Class C3 (Residential) 4 Units.

Reference: B/05904/14

Address: Associates House, 118 East Barnet Road, Barnet, EN4 8RE

Decision: Prior Approval Required and Approved

Decision Date: 18 December 2014

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (1 unit)

3. Proposal

This application proposes the construction of a flat roofed, single storey building that will be used for offices (45sqm) over part of an existing car park. The new block will be located 1m from the Southern boundary, 14m from the Western boundary, built hard up against the Eastern Boundary with the neighbouring public car park and will have a 3.2m separation from the Northern Street facing block. The proposal will contain a footprint of (L x D x H) (12m x 4.6m x2.1m). There would be symmetrical fenestration to the wide front and rear elevations. The flank elevations would be absent of any fenestration. Details of materials have not been supplied. The resulting car park will provide 11 car parking spaces.

4. Public Consultation

Consultation letters were sent to 100 neighbouring properties. 6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Sequential test report does not address the comments made by the appeal inspector regarding the previously refused application
- There are number of vacant offices within the locality and therefore there is no need for further offices.
- Reduction in parking and increase in traffic
- Inadequate refuse and recycling
- Proposal should not be higher than existing boundary fence
- Site unsuitable in terms of size and design
- Drainage and power cut concerns from development
- Inconvenience from construction and use, noise and security concerns
- Overlooking, loss of privacy and visual impact to Flat 4 Associates House
- Repositioning of car parking spaces creating noise, security, pollution and maintenance issues to No.116 East Barnet Road

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan July 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 25-35 years. 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, CS6, CS8, and CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM11, DM14 and DM17.

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 Assessment of proposals

Planning Considerations:

An identical scheme on this site was previously refused under ref. 15/05032/FUL for the following reasons:

- The proposed B1 (office) use, by reason of its location on the edge of New Barnet Town Centre and in the absence of evidence demonstrating sequential testing within that Town Centre would constitute an inappropriate form of development that would be detrimental to vitality and viability of the New Barnet Town Centre
- The proposed development by reason of its siting, overall size, bulk and height would represent a visually obtrusive form of development that would result in an unacceptable loss of outlook and create an over-bearing impact to the detriment of the residential amenities of neighbouring occupiers within Associates House.

Principle of Development

Barnet's Local Plan (Development Management Policies - July 2012) sets out that all new office space should follow a sequential approach which considers Town Centres sites before edge of centre sites. This is to ensure continued vitality of the rest of Town Centres. The NPPF (2012) defines 'Edge of Town Centre' locations as, 'locations outside the town centre but within 500 metres of a public transport interchange.' The subject site is located circa 75m away from the primary shopping frontage and is within 500m of a bus stop and New Barnet Train Station.

The previous application ref. 15/05032/FUL was refused on the lack of evidence regarding sequential testing. A sequential test report relating to the New Barnet Town Centre has been submitted in this current application which justifies the need for new office space in this area. This report has been assessed by a Council planning policy officer and found to be acceptable. As such, the proposal is not considered to have a detrimental impact on the

vitality and viability of the New Barnet Town Centre. Therefore it is considered that this application has addressed the previous reason for refusal relating to sequential testing.

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

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

The character of an area is made up of both the physical building and the use(s) that building will accommodate. This part of East Barnet Road is characterised by two and three storey buildings lining and facing East Barnet Road, with many of these containing detached buildings to the rear. The proposed detached building would therefore reflect the character of the wider locality and the urban grain of the area.

The proposed building would be constructed in close proximity to the edges of its site. Given its siting, design and modest overall size the proposed building would appear as an acceptable addition to this backland site.

Amenities of occupants of neighbouring buildings

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

Impact on flats located within the street facing block of No 118 East Barnet Road

At appeal (ref. APP/N5090/W/15/3138962) the inspector made the following comments about the previous refused application ref. 15/05032/FUL:

"Currently the main window to flat 3 of Associates House fronts directly into the rear parking court and there are two parking spaces immediately to the front of the bedroom. As such, when the parking spaces are occupied the outlook from this window would be at parked cars. At the same time, manoeuvring into and out of the parking spaces would potentially result in noise, disturbance and loss of privacy for the future occupiers of flat 3.

With the proposal the two parking spaces immediately outside bedroom 2 of Flat 3 would be removed and would be replaced with a small enclosed private courtyard. Whilst the terrace would be just 3.2 metres deep, the flank wall of the proposed office building would be less than three metres in height and 4.6 metres wide. As a consequence both the bedroom and the courtyard would receive good levels of daylight and sunlight and an open outlook over and around the building. More importantly, with appropriate landscaping the courtyard could provide an attractive garden area for use by the occupiers of the flat, as well as an outlook which would be more attractive than a parking court.

Overall the living conditions of the occupiers of flat 3, including the outlook for bedroom 2, would be materially enhanced. The outlook from the rear facing windows of the upper floor flats at Associates House would be over the proposed office building. Consequently the proposed building would not have an overbearing visual impact on the outlook from these flats.

I conclude on this main issue that the proposal would not have an adverse impact on the living conditions of the occupiers of Associates House, with regard to visual impact."

Given the appeal inspectors comments about the identical scheme that was previously refused on site, it is therefore considered that the proposal would not cause demonstrable harm to the amenity of neighbouring properties and that this is no longer a justifiable reason for refusal.

Impact on No 17a Edward Road

The proposed building which contains a height (above the fence) and depth of 2.1m and 4.6m respectively will be located circa 1m away from the common Southern boundary with No 17a Edward Road. No 17a contains a courtyard to a studio unit that adjoins the named common boundary. The new block is not considered to have a detrimental impact on the amenities of No 17a Edward Road, owing to its modest size and relationship to the affected boundary.

Impact on Flat 4, Associates House

Concerns have been raised about overlooking, loss of privacy and visual impact to Flat 4 Associates House. Given that the proposal is only single storey and flat 4 is not located at ground level, it is considered that the proposal will not cause demonstrable harm to this property to an extent that would warrant a reason for refusal.

Parking implications

The existing car parking area will be retained and the parking layout will be modified to provide a total of 11 car parking spaces, of which 3 will be allocated to the proposed new offices. The parking provision is considered to be acceptable. No objection to the level of parking was raised during the previously refused application or by the appeal Inspector. Whilst details of refuse and recycling have not been provided, such detail could be dealt with by condition.

5.3 Response to Public Consultation

All other matters have been addressed in the main body of this report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that this application has addressed the previous reasons for refusal and that the proposal 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.



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LOCATION PLAN 1.500

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Location **3 Athenaeum Road London N20 9AA**

Reference: **17/1418/FUL**

Received: 7th March 2017

Accepted: 7th March 2017

Ward: Oakleigh

Expiry 6th June 2017

Applicant: Fresh Lime Totteridge Limited

Proposal: Demolition of existing building. Construction of four-storey building to provide office space at ground floor level and 7no self-contained residential units on upper floors. Provision of 8no car parking spaces

AGENDA ITEM 10

Recommendation: Approve subject to conditions

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

139/14/01 Rev A (Proposed Block Plan), 139/14/02(Site Location Plan), 139/14/02(Floor Plans GF/1F), 139/14/03(Existing Front Elevation), 139/14/04(Floor Plans PR/Roof), 139/14/05(Elevations to Athenaeum Road), 139/14/06(Rear Elevations), 139/14/08(Sections A-A), 139/14/09(Sections B-B), 139/17/01 Rev A(Proposed Block Plan), 139/17/02 Rev A(Floor Plans GF/1F), 139/17/03(Floor Plans 2F/3F), 139/17/04(Floor Plans PR/Roof), 139/17/05 Rev A(Elevations to Athenaeum Road), 139/17/06(Rear Elevations), 139/17/08(Sections A-A), 139/17/09(Sections B-B), (Planning & Environmental Statements prepared by Dublanc Studio (March 2017).

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

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

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

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

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

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

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

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

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

5 a) The non-residential development is required to meet the BREEAM Very Good; level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

6 The first, second and third floors of the property shall be used as self-contained unit as shown in the hereby approved drawings under Class C3(a) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

7 a) The disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

b) A height clearance of 2.7m must be provided to the vehicle access to the disabled parking bay.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 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.

- 10 No organised delivery of hot food shall take place from the premises using motor vehicles (including motor cycles, mopeds and motor scooters).

Reason: Any such parking would result on the public highway and would prejudice the free flow of traffic and highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 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 20% of the approved parking spaces to be provided with electric vehicle charging facilities. 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.

- 12 Before the development hereby permitted is occupied; parking spaces shall be provided in accordance with a scheme to be submitted to and approved by the highways 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. The parking layout should include provision of a disable parking space and electric vehicles charging points 20% active and 20% passive as required by Transport for London.

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.

- 13 Prior to the commencement of the development, details of the access road shall be submitted to and approved in writing by the Local Planning Authority. The access road as approved shall be constructed in accordance with the approved details before the site is occupied.

Reason: To ensure the safe form of access to the development and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 The applicant should submit for approval details of a management system/ traffic lights at the access road to avoid conflict and allow priority to vehicles entering the site. Such controls shall be installed and useable prior to the occupation of the development, and shall be permanently maintained and operational thereafter in accordance with the approved details.

Reason: In the interest of highways safety and the requirements of Policy DM17 of the Development Management Policies DPD.

- 15 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings.

- 16 a) Part 1

Before development commences other than for investigative work:

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

Planning Authority.

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

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

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

If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring

shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

- b) Part 2

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

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

- 17 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) and Policy 7.15 of the London Plan 2016.

- 18 a) No development shall take place until details of mitigation measures to show how the development will be constructed 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 proposed commercial units as measured within habitable rooms of the development shall be no higher than 30dB(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) and 7.15 of the London Plan 2016.

- 19 The level of noise emitted from the plant room 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 2016.

20 A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest are expected to survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.

21 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.

22 Prior to the first occupation of the new dwellinghouses (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 so that mains water consumption would meet a standard of 105 per head per day or less. 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 London Plan (2016)."

23 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 40 % 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 (2016) and the 2016 Mayors Housing SPG.

- 24 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing the north-east, shall be glazed with obscure glass to the height of 1.7m above the finished floor level only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 25 Before the development hereby permitted is first occupied, or the use is commenced obscured glazed privacy screens measuring 1.8m high from the finished floor level of the terraces, in Flats 3 and 5, shall be installed in accordance with the approved plans and shall be permanently retained in accordance with those details thereafter.

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

- 26 The ground floor premises shall be used for B1a office use only and for no other purpose (including any other purpose in Class B_ of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

Informative(s):

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

- 2 The 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 £9,422 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 £36,342 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 must enter a Section 184/278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.

5 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

6 The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via developmenttravelplans@barnet.gov.uk or tel: 020 8359 7603.

- 7 The applicant is advised that due to location of the site off a Traffic Sensitive Road, deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 8 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;

- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 10 The written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.

It is recommended that the archaeological fieldwork should comprise of the following:

Excavation

An archaeological trench should be dug across the new building footprint to establish the date and character of any surviving evidence for pre-modern occupation. Archaeological excavation is a structured investigation with defined research objectives which normally takes place as a condition of planning permission. It will involve the investigation and recording of an area of archaeological interest including the recovery of artefacts and environmental evidence. Once on-site works have been completed a 'post-excavation assessment' will be prepared followed by an appropriate level of further analysis, publication and archiving.

Officer's Assessment

1. Site Description

The application site is situated on the north-western side of Athenaeum Road in the ward of Oakleigh. The site has been cleared and is currently under construction.

The site is not within a Conservation Area and is not a listed building. The site is within an area of Special Archaeological Interest and is within the Whetstone Town Centre.

2. Site History

B/00878/14: Demolition of an existing two storey building, Creation of a four storey building to provide commercial units on ground floor level and five self-contained units on first, second and third floors levels with associated car parking.

Decision: Withdrawn. Decision Date: 27 May 2014

B/04689/14: Demolition of an existing two storey building. Creation of a four storey building to provide commercial units on ground floor level and five self-contained units on first, second and third floors levels with associated car parking [AMENDED PLANS]

Decision: Approved. Decision Date: 12 May 2015

17/1410/CON: Submission of details of conditions 3 (Levels) 4 (Materials) 8 (Access Road) 9 (Demolition, Construction and Traffic Management Plan 12 (Noise Mitigation) 13 (Desktop Study) 14 (Noise) 15 (Mitigation Measures) 17 (Archaeological Investigation) pursuant to planning permission B/04689/14 dated 12/05/15.

Decision: Pending Consideration. Decision Date: No Decision Made

3. Proposal

The proposal includes the demolition of existing building and construction of a four-storey building to provide office space at ground floor level and 7no self-contained residential units on upper floors. Provision of 8no car parking spaces. In addition the total of B1 use units on the ground floor have been reduced from 78sqm in the approved scheme to 72.8 sqm . There are proposed changes to the position and size of fenestrations to the rear of the building

The breakdown of the units is follows:

Level	Unit	No of Persons	Size
GF	C1 (B1)	NA	36.4
GF	C2 (B1)	NA	36.4
1F	Flat 1	1bed/2person	51.40sqm
1F	Flat 2	Studio/ 1 person	38.10sqm
1F	Flat 3	2bed/3person	64.80sqm
2F	Flat 4	1bed/2person	52.50sqm
2F	Flat 5	2bed/4person	85.7sqm
3F	Flat 6	Studio/1 person	38.00sqm
3F	Flat 7	2bed/3person	67.70sqm

As noted from the history, this application follows the approval of planning application B/04689/14, which was for 'Demolition of an existing two storey building. Creation of a four storey building to provide commercial units on ground floor level and five self-contained units on first, second and third floors levels with associated car parking [AMENDED PLANS]'.

The difference between this application and the previously approved permission is as follows:

The previously approved plans have been amended to increase the number of units from 5 to 7 units. The proposal includes extending the fourth floor by approx. 1.8m on the North West side flank wall (adjoining no 1 Athenaeum Road) and 0.2m on the south east flank wall along the boundary with no.5 Athenaeum Road. In addition, creating smaller sized units by replacing the 3 bedroom units with 2 bed units and 2 studios.

4. Public Consultation

Consultation letters were sent to 71 neighbouring properties.

9 responses have been received, comprising 8 letters of objection and 1 letter of support

Site Notice Date - 18/04/2017

The objections received can be summarised as follows:

- Impact on natural light, overlooking and loss of privacy due to the height of the development in relation to Martin's Court.
- Increase in traffic generated by the proposal including those arising from waste collection and other services.
- Parking pressure
- Impact of construction works on the structure of adjoining buildings
- Proposed height is not in keeping with the existing buildings, it will dominant skyline.
- one less storey would be in keeping with the area.
- Welcomes the concept of 1 parking space per flat
- Pleased to see property redeveloped, but concerned about overlooking of house and garden (No 9)

The support received can be summarised as follows:

- o More space for housing, but makes the planning application for the licence the property in the High Road (The Sequoria) to open as a venue until 3am each day even more questionable.

Internal /Other Consultations

LBB Highways

A total of 7 parking spaces are proposed at the rear of the site accessed via the existing vehicle access and through a new under croft arrangement. The application is recommended for approval on highway grounds subject to conditions.

The following comments are made:

In accordance with DM17 policy the residential element of the development should provide between 3-9 parking spaces therefore the provision of 9 spaces is acceptable but the

location is in a good PTAL 4 area and therefore this could be reduced. In accordance with the London Plan 20% of spaces should have access to electric charging points and 20% passive for future use. The development proposal with 2 points would meet the active provision but it will be conditioned for details to be submitted to fully meet the requirements. The minimum number of cycle spaces set out in the London Plan is 1 space for 1 bed units and 2 spaces for larger units. 10 would be required for the development with 4 x 1 bed and 3 x 2 bed units and therefore a condition would be required to show details. To accommodate wheelchair storage on top of a car the headroom needs to be 2.7m and will be conditioned.

The front forecourt is currently used as vehicle parking with a continuous crossover. It is proposed to provide a bin store in front of the commercial unit, the crossover will need to be made back to footway that is on the public highway and the applicant is required to enter into a S184/S278 agreement with the highway authority.

There is no highway objection to the proposal subject to conditions and informatives.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5 CS9 and CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM12, DM14, DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the vitality and viability of the local centre
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Quality of amenity for future occupants
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

- Whether harm would be caused to the vitality and viability of the local centre

The proposed class B1 units at the ground floor will not result in a loss of retail units in the local centre and would not be detrimental to its vitality or viability.

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

The existing building has been demolished. The size and bulk of the proposal does not differ significantly from the approved scheme. The building is proposed to be 9.6m high, measured from the front of the building to the underside of eaves on the third floor. The roof is curved, and arches towards the middle of the building to a height of 12m, before arching down towards the rear of the site. The development is 9.8m wide and fills the width of the site. A throughway is proposed on the ground floor for vehicular and pedestrian access to the rear of the site. The design of the building (i.e. its bulk, scale and fenestration) is modern but complementary in design to nearby buildings, notably no. 1 Athenaeum Road, and is considered to fit sympathetically into the streetscape and will not adversely impact the character and appearance of the street scene or the locality.

- Quality of amenity for future occupants

Each proposed flat would have a floor area which accords with the minimum requirements of the Sustainable Design and Construction SPD 2016. The room sizes would also meet the necessary minimum requirements. The proposed units would each have a dual aspect with a reasonable outlook. Each unit has access to a private amenity space provided via a balcony or terrace area that is directly connected to the living areas of the units and would provide a high level of amenity for the residents. The sizes of the amenity space is below the recommended guidance in Councils policies, however site is within a town centre and is within a walking distance of public open spaces in the area.

Impact on the amenities of neighbours

The building adjoins the recently developed residential development located on the corner of Athenaeum Road and Oakleigh Gardens. The distances provided between the development and the adjoining flats at No 5 Athenaeum Road is considered to be satisfactory and will not be detrimental to the amenities of the occupants of the neighbouring residential property. The additional increase in the depth of the 4th floor and the additional 2 number units is not considered to result in significant harm to the amenities of the occupiers of Martins Court. No 1 Athenaeum Road is a commercial building and there would be no impact on this building.

The proposed scheme is an adaption of the one approved in May 2015, with 7 apartments instead of the 5 in the approved scheme. As with that scheme it is proposed that any window to a side elevation would have obscured glazing, and to the sides of the proposed balconies (where open) there would be 1.8metre high obscure screens, these would ensure that there is no overlooking of adjoining properties.

5.4 Response to Public Consultation

The planning matters of consideration have been addressed in the approved scheme and 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

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.

