

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 18TH JANUARY, 2018

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Eva Greenspan

Vice Chairman: Councillor John Marshall

Councillors

Councillor Arjun Mitra

Councillor Melvin Cohen

Councillor Jim Tierney

Councillor Alan Schneiderman

Councillor Shimon Ryde

Substitute Members

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

Andrew Charlwood – Head of Governance

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ASSURANCE GROUP

ORDER OF BUSINESS

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1.	Minutes of last meeting	5 - 12
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.	17/5250/FUL Finchley Police Station, 193 Ballards Lane N3 1LZ	13 - 60
7.	17/5396/CON Ullswater Court 92 Holders Hill Road London NW4 1LN	61 - 66
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9.	17/5434/FUL 203 The Vale Deferred from the previous meeting (30 November 2017) for a member of the Highways Team to attend.	85 - 96
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19.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

30 November 2017

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Arjun Mitra
Councillor Alan Schneiderman
Councillor Melvin Cohen

Councillor Shimon Ryde
Councillor Jim Tierney

1 ABSENCE OF MEMBERS (IF ANY)

Apologies for lateness were received from Councillor Cohen – he did not vote for items 1-4.

2 MINUTES OF LAST MEETING

Councillor Mitra noted that his name was misspelt on page 2.

The minutes were otherwise approved as an accurate record.

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

Councillor Cohen - non-pecuniary interest in respect of planning application - 17/5042/FUL - 18 Dingwall Gardens, London, NW11 7ET: one of his clients was involved in this application.

Councillor Cohen - non-pecuniary interest in respect of planning application - 17/5013/FUL – Golders Green Delivery Office, St Georges Road, NW11 0LS: his office is situated close to Golders Green Delivery Office.

4 REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5 17/6412/HSE - 11 THEOBALDS AVE, LONDON, N12 8QG

Councillor Schneiderman moved to **DEFER** the item as it had not been possible to access the site. This was seconded by Councillor Marshall.

The vote was as follows:

In favour of deferral – 6
Against deferral – 0
Absence - 1

Resolved: that the application was **DEFERRED**.

6 **17/4460/CON - ULLSWATER COURT (VENTILATION), 92 HOLDERS HILL ROAD, NW4 1LN**

The Chairman informed the Committee that the item had been withdrawn by the applicant.

7 **17/5396/CON - ULLSWATER COURT (BOUNDARY TREATMENT AND LANDSCAPING) 92 HOLDERS HILL ROAD, NW4 1LN**

The Planning Officer presented the report to the Committee. He noted that an appeal on this application had been dismissed the day before.

The Chairman moved to **DEFER** the item, seconded by Councillor Marshall, to allow the applicant to address the planning inspector's concerns.

The vote was recorded as follows:

In favour of deferral – 6
Against deferral – 0
Absent - 1

Resolved: the item was **DEFERRED**.

8 **17/5049/HSE - 2 HOWES CLOSE, LONDON, N3 3NX**

The Planning Officer presented the report and addendum to the Committee.

A representation was heard from an objector, Ms Lia Bogod.

A representation was heard from the applicant's agent.

Further to a discussion the Chairman moved to **REFUSE** the application, seconded by Councillor Mittra, for the following reason:

The proposed extension, by reason of their design, form, massing and appearance would be incongruous and harmful to the detrimental to the character and appearance of the streetscene and general locality, being contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012, and policy CS5 of the Adopted Barnet Core Strategy.

Councillor Cohen abstained as he arrived partway through the discussion on this item.

The vote was as follows:

In favour of refusal: 5
Against refusal: 1
Abstained: 1

Resolved: that the Committee **REFUSE** the application for the reason above.

9 **17/4905/S73 - THE STERNBERG CENTRE FOR JUDAISM, 80 EAST END RD, LONDON N3 2SY**

The Planning Officer presented the report and addendum to the Committee.

A representation was heard from an objector, Ms Su Liu.

A representation was heard from Mr Gabriel Rozenberg in support of the application.

A representation was heard from Mr Dudleigh Leigh on behalf of the applicant.

The Committee discussed the representation from Mr Leigh, in which it was noted that the Sternberg Centre would consider having conditions applied, such as a maximum of 6 late evening events per month.

The Committee agreed that advice from the legal team should be taken and a discussion on possible mitigation held with the applicant, before a decision could be made on the application.

Councillor Ryde moved to **DEFER** the application and was seconded by Councillor Cohen for the above reason.

The vote was recorded as follows:

In favour of deferral – 5

Against referral – 2`

Resolved: that the item was **DEFERRED** for the above reasons.

10 **17/3559/FUL - LAND ADJACENT 38 NEEDHAM TERR, LONDON, NW2 6QL**

The Planning Officer presented the report to the Committee. He added with apologies that the plans in the report were not up-to-date and gave details of further reductions made to the size of the proposed building.

A representation was heard from the applicant.

Representations were heard from objectors Mr Hugh Loughrey and Mr James O'Sullivan.

The Committee discussed concerns over the loss of parking spaces and also the design of the proposed building.

Councillor Ryde moved to **REFUSE** the application, seconded by Councillor Marshall, for the reasons below:

1. The proposed new dwelling by reason of its size, design, siting and massing would be a discordant form of development that would fail to preserve or enhance this part of the Cricklewood Railway Terraces Conservation Area. The proposals would be contrary to policies DM01 and DM06 of the Adopted Barnet Development Management Policies 2012 and the Cricklewood Railway Terraces Character Appraisal Statement.
2. The proposals would provide no car parking to serve the development and in the absence of a legal agreement preventing residents from obtaining parking permits, would result in increased kerbside parking to the detriment of the free flow of traffic and highway and

pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies and CS9 of the Adopted Core Strategy

The vote was as follows:

Unanimously in favour of refusal.

It was **resolved** that planning permission was **REFUSED** for the reasons given above.

11 **17/3613/FUL - 8C AND 9A ACCOMMODATION ROAD GOLDERS GREEN, NW11 8ED**

The Planning Officer presented the report to the Committee.

Representations were made in objection to the application by Dr Bernadette Loughnan.

Councillor Marshall moved an amendment which was seconded by Councillor Ryde:

The new second floor facilitated by the development shall not be occupied until the rooflight hereby approved has been installed in accordance with the approved details and the rooflight shall be permanently retained thereafter in accordance with the approved details.

A vote was taken on the amendment:

In favour of the amendment – 6

Against the amendment – 1

The amendment was **CARRIED**.

Further to this a vote took place on the application:

In favour of the application – 6

Against the application – 1

Resolved: that the planning application was **APPROVED**.

12 **17/5042/FUL - 18 DINGWALL GARDENS, LONDON, NW11 7ET**

Councillor Cohen declared a non-pecuniary interest: one of his clients was involved in this application. He left the room for the duration of the discussion and vote on this item.

The Planning Officer presented the report and addendum to the Committee.

A representation was heard in objection to the application by Mr Giovanni Gambaruto.

A representation was heard from the applicant's agent.

Further to a discussion Councillor Marshall noted that there was a precedent as an appeal decision had been made on a similar application recently. He moved a motion to **REFUSE** the application, seconded by Councillor Mitra, for the following reasons:

The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property, that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction.

Voting was as follows:

Unanimously for refusal of planning permission.

Councillor Cohen was not present so did not vote.

Resolved: that the application was **REFUSED** for the reason given above.

13 **17/6494/HSE - SAHARA, 15 WINNINGTON ROAD, LONDON N2 0TP**

The Planning Officer presented the report and addendum.

A representation was heard from the applicant, Mr Bradley Gerrard.

Further to a discussion the Chairman MOVED a motion to APPROVE the application, which was SECONDED by Councillor Ryde for the reason below:

The benefit and safety of members of the public were taken into account.

The vote was as follows:

For (approval) – 7

Against - 0

Resolved: that the Committee **APPROVED** the application.

14 **17/5013/FUL - GOLDERS GREEN DELIVERY OFFICE, ST GEORGES ROAD, NW11 0LS**

Councillor Cohen declared a non-pecuniary interest: his office is situated close to the site.

The Planning Officer presented the report to the Committee.

A representation was heard from an objector to the application, Mr Brian Cohen.

The vote was as follows:

For approval – 6

Against – 0

Abstained – 1

Resolved - that the application was **APPROVED**.

15 **17/5434/FUL - 203 THE VALE, LONDON, NW11 8TN**

The Planning Officer presented the report and addendum to the Committee.

Further to some expressions of concerns over parking Councillor Ryde, seconded by Councillor Marshall, moved that the application be **DEFERRED** for the following reason:

The Planning Officer would seek advice from the Highways team on parking issues.

The vote was unanimously in favour of DEFERRAL for the above reason.

Resolved: that the application was **DEFERRED**.

16 **17/5689/S73 - 48 RAVENSCROFT, LONDON, NW11 8AU**

The Planning Officer presented the report to the Committee.

A representation was heard from the applicant's agent.

Further to a discussion Councillor Cohen moved an **AMENDMENT**, seconded by Councillor Marshall, to Condition 13:

The use of the building hereby permitted shall at all times be ancillary-incidental to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

The vote on this amendment was as follows:

For the amendment – 4
Against – 2
Abstained – 1

The amendment was **CARRIED**.

The vote on the application with the amended condition was as follows:

For – 4
Against – 2
Abstained - 1

Resolved: that the application was **APPROVED**.

17 **17/5094/HSE - 5 GRATTON TERRACE, LONDON, NW2 6QE**

The Planning Officer presented the report and addendum to the Committee.

Further to a discussion Councillor Ryde moved to **REFUSE** application, and was duly seconded, for the following reason:

The proposed outbuilding by reason of its size, siting and design would be a visually intrusive addition that would fail to preserve or enhance the character and appearance of the Cricklewood Railway Terraces Conservation Area.

The proposals would be contrary to policies DM01 and DM06 of the Adopted Barnet Development Management Policies 2012 and the Cricklewood Railway Terraces Character Appraisal Statement.

The vote was as follows:

For refusal – 4

Against refusal – 3

Resolved: that the application was **REFUSED**.

18 **ADDENDUM (IF APPLICABLE)**

19 **ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

The meeting finished at 8.41 pm

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Location	Finchley Police Station, 193 Ballards Lane, London, N3 1LZ	
Reference:	17/5250/FUL	Received: 11 August 2017
		Accepted: 21 August 2017
Ward:	West Finchley	Expiry: 20 November 2017
Applicant:	Ballards Lane LLP	
Proposal:	Redevelopment of the site comprising the erection of two residential buildings up to 6 storeys high providing 54no. self-contained flats and 161 sq.m of A1/A3 floorspace, including on site car and cycle parking, recycling and refuse areas, associated amenity space and landscaping (AMENDED to 52no. flats in the revised scheme).	

AGENDA ITEM 6

RECOMMENDATION I:

- (i) Approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

RECOMMENDATION II:

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement to secure the following:

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. Provision of three flats as shared-ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.
4. Provision of a review of development viability for the approved development (including residential and non-residential units), with a proportion of any "profit" over the 20% benchmark viability level to be paid to the Council for the sole purpose of contributing towards off-site affordable housing (all in accordance with the Mayor of London's Affordable Housing Viability SPG).
5. Provision of the sum of £114,034.79 towards the costs of investigating the extension of the Controlled Parking Zone (CPZ).

6. A contribution of £2,000 to amend the existing Traffic Management Order to exempt permits.
7. A Travel Plan contribution of £12,800, comprising a £5000 monitoring fee and £7800 towards the Travel Plan Incentives in accordance with the Planning Obligations SPD.
8. Other than for registered disabled drivers, a restriction shall be placed on residents of the approved from eligibility to obtaining resident and visitor parking permits for the local Controlled Parking Zone.
9. Provision of six apprenticeships in accordance with the Supplementary Planning Document on Skills, Enterprise, Employment and Training, or an equivalent sum for off-site provision.
10. Meeting the Council's costs of monitoring the planning obligation - £3000.

Conditions:

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

HTA-A_XX-D1_DR_002	Location Plan
HTA-A_XX-D1_DR_0150 rev. 3	GROUND FLOOR
HTA-A_XX-D1_DR_0151 rev. 3	LEVEL 01-02
HTA-A_XX-D1_DR_0152 rev. 3	LEVEL 03
HTA-A_XX-D1_DR_0153 rev. 3	LEVEL 04
HTA-A_XX-D1_DR_0154 rev. 4	LEVEL 05
HTA-A_XX-D1_DR_0155 rev. 1	Roof plan
17.362-P-200 rev. f	Landscape Masterplan
HTA-A_XX-E1_DR_0200 rev. 4	Block A Elevations 1 of 2
HTA-A_XX-E1_DR_0201 rev. 3	Block A Elevations 2 of 2
HTA-A_XX-E1_DR_0205 rev. 3	Block B Elevations 1 of 2
HTA-A_XX-E1_DR_0206 rev. 2	Block B Elevations 2 of 2
HTA-A_XX-E1_DR_0210 rev. 1	Main street elevations
HTA-A_XX-E1_DR_0250 rev. 1	Block sections (A-A and B-B)
HTA-A_XX-E1_DR_0251 rev. 1	Block sections (B2-B2)
AIT -FPS_HTA-A_XX-D1_DR_3000 rev. 1	STUDIO_T1 Unit plan

AIT -FPS_HTA-A_XX-D1_DR_3003 rev. 1 1B2P_T3 Unit plan

AIT -FPS_HTA-A_XX-D1_DR_3004 1B2P_T4 Unit plan

AIT -FPS_HTA-A_XX-D1_DR_3017 3B5P_T1 Unit plan

AIT -FPS_HTA-A_XX-D1_DR_3018 1B2P_T6 Unit plan

AIT -FPS_HTA-A_XX-D1_DR_3019 2B4P_T6 Unit plan

AIT -FPS_HTA-A_XX-D1_DR_3020 2B4P_T7 Unit plan

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 Part 1

Before development commences other than for investigative work:

a) 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. An asbestos survey shall also be carried out and submitted as part of this condition.

b) 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.

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

Part 2

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

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

- 4 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 and equipment 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, with including contact details to be shown on site hoarding;
- xi. Confirmation that a competent banksman shall be employed at all times to manage the construction traffic in and out of the site to ensure highway and pedestrian safety;
- xii. Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- xiii. Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999;
- xiv. Proof within the contractor's specification that all NRMM will be registered on the local government website;
- xv. Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
- xvi. Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed;
- xvii. Confirmation that there shall be no bonfires or burning of rubbish at the site.

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

- 5 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings 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 amenities of occupiers are not prejudiced by road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

- 6 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.
- c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 7 The level of noise emitted from any plant used in association with the development 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.

- 8 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local

Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

- 9 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally 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 any plant as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2016.

- 10 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts. The development shall be at least "Air Quality Neutral" and an air quality neutral assessment for both buildings and transport shall be included in the report. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. This shall include mitigation for when air quality neutral transport and building assessments do not meet the benchmarks.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler / CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014. The report shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. It 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan 2016.

12 a) No development other than demolition works shall take place until a detailed assessment for any kitchen extraction unit serving any A3 use of the commercial 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).

- 13 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 14 (i) Unless first approved in writing by the local planning authority, no Non-Road Mobile Machinery (NRMM) shall be brought onto or used at the site in connection with the development unless it complies with the standards set out in the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), and all NRMM of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the SPG, or any subsequent guidance that replaces it.

(ii) The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

- 15 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use 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 b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured. Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

16 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to underground piling and foundation works have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard existing underground services, in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

17 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include habitat improvement measures to be implemented in conjunction with landscaping and the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority. Unless works commence at the site less than three years from the date of the extended preliminary ecological appraisal survey that was carried out on 3rd July 2017, the details to be provided under this condition shall include details of an updated survey of the land and buildings.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

18 a) A scheme of hard and soft landscaping, including details of existing species (to include wildlife-friendly varieties where possible), planting heights and grades, densities, positions and ground preparation (including volumes of soil and / or other growing media) for soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

19 The development hereby approved shall not commence until a surface water drainage strategy for the site based on the principles of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The following details shall be included:

- i. Demonstration that discharge of surface water runoff shall be as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
- ii. Confirmation that the surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS

The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

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

20 a) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) A Refuse and Recycling Collection Strategy, which shall include details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;

(ii) The appearance and siting of enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other storage containers where applicable; and

(iii) Plans showing points of collection for refuse and recycling.

The refuse and recycling facilities shall be fully implemented in accordance with the approved details before the development is first occupied and after first occupation, the approved collection arrangements shall be also be fully implemented. Both the facilities and arrangements shall be 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).

21 a) No construction works shall commence until specifications and maintenance details of the proposed green roofs have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs shall then be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. If any part of the approved green roof shall be removed, die, become severely damaged or diseased, it shall be replaced in accordance with the details approved by this condition unless other details have first been submitted to and approved in writing by the Local Planning Authority.

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

22 a) No development shall take place until details of the levels of the approved buildings, vehicle access and footpaths in relation to the adjoining land and buildings 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 be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the

safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 23 Prior to the first occupation of any building within the development, the buildings shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, showing that the development will incorporate carbon dioxide emission reduction measures and on-site renewable energy provision that taken together will achieve an improvement of not less than 20% 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 for the lifetime of the development.

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.

- 24 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.

- 25 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces, which shall include details of brick detailing and recesses, green walls, fenestration including exterior doors, roof cladding, rainwater goods and hard surfaces for outside areas, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 26 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for any electronically controlled access gates and appearance and materials for other boundary treatment 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 shall then be retained as such.

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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

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

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

- 28 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

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

- 29 Prior to occupation of the development, vehicular parking onsite as shown on Drawing No. HTA-A_XX-D1_DR_0150 Rev. 3 submitted with the planning application and the access to the parking area from public highway shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 30 a) No development other than demolition works shall take place until details of the internal dimensions and design of the approved secure cycle stores, in accordance with London Plan cycle parking standards, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained as such and the cycle stores shall be used for no purpose other than for the parking / storage of cycles associated with the development, for the lifetime of the development.

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

- 31 Prior to the occupation, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On-site parking controls and charges;
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces.
- vi. Locations of active and passive Electric Vehicle Charging Points and the monitoring of Electrical Vehicle Charging Points, including when additional spaces are required to be brought into operation. The Car Parking Management Plan shall thereafter be implemented in accordance with the approved details immediately following the first occupation of the development hereby approved.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 32 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The disabled parking spaces shall then permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 33 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. 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.

- 34 The buildings shall not be occupied until details of the electronically controlled access to these building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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

- 35 The commercial unit in Block A may only be used for an A3 class use if it has first been demonstrated that flues and ventilation equipment will be accommodated within the approved building.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and ensure the satisfactory appearance of the building, in accordance with policy DM01 Development Management Policies DPD (adopted September 2012).

- 36 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) and the requirements of the above condition, the commercial unit in Block A shall be used for A1 or A3 class uses only, and may not be changed to any other use other than with express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and to retain an element of employment use at the site, in accordance with policies DM01 and DM14 of the Development Management Policies DPD (adopted September 2012).

- 37 All windows serving any bathrooms, en-suite and / or w/c within the development shall be fitted with obscure glazing prior to the first occupation of the dwelling or non-residential unit of which they form a part, and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 38 a) No flat shown on the approved drawings as having a balcony or roof terrace shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and where applicable have been installed in their entirety:

(i) details of privacy screens, including details of materials and appearance of the screens, or

(ii) for those flats where the balcony or roof terrace will not significantly overlook any neighbouring residential property or properties, sufficient drawings that demonstrate that is the case.

b) For the flats where privacy screens are required, the screens shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 39 a) No development other than demolition work shall take place until details have been submitted to and approved in writing that show that all units within the development shall 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) with no less than five constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations.

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

Reason: To ensure the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

- 40 a) Before the development hereby permitted is first occupied, details of the subdivision of the ground floor amenity area(s) together with any provision for direct access from adjacent flats in Block A shall be submitted to and approved in writing by the Local Planning Authority. This approved details shall include clarification of the areas within the development which are for the communal use of all residents.

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

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

- 41 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.

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

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

- 42 The ground floor commercial use hereby permitted shall not be open to members of the public before 7 a.m. or after 8 p.m. on weekdays and Saturdays or before 8 a.m. or after 6 p.m. on Sundays and Bank and Public Holidays.

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

- 43 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 installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III

That if the above agreement has not been completed has not been submitted by 28 March 2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the requirements set out in Recommendation 1. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted October 2016).

Informatives:

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 3 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

- 4 The submitted Construction Method Statement shall include in addition to the Highways Officer's requirements, the following additional minimum details:

- Site hoarding
- Wheel washing
- Dust suppression methods and equipment to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding.
- Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays.
- That bonfires are not permitted on site.

5 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 £115,080 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 £443,880 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:

- (i) Charity
- (ii) Residential Annexes or Extensions
- (iii) Self Build.

- 6 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for approval. Any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway.

To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 8 The applicant is advised that Ballards Lane (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. 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.
- 9 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would be subject to TfL's approval before works can commence.
- 10 The applicant is advised that any works on public highway required to facilitate the development will need to be included in the Council's agreed works programme would be subject to priorities and the available resources therefore the time scales cannot be guaranteed.

Officer's Assessment

1. Site Description

The application property is approximately 0.19 hectares in area, L-shaped in plan form with frontages to both Ballards Lane and Gruneisen Road. The site wraps around the rear and south-western side boundaries of 197 and 201 Ballards Lane, which accommodates a three-storey apartment building known as Hartnell Court. It currently accommodates a three storey flat roofed building which is set back from the neighbouring buildings to either side, with the exception of the projecting single storey entrance onto Ballards Lane, which is built out to the line of the adjoining two-storey building at 191 Ballards Lane. Vehicular access is from the Gruneisen Road frontage.

The surrounding area is mixed in character. The Church End Town Centre is directly to the south-west, and the southern part of the site is within its secondary retail frontage. The two-storey premises at 191 Ballards Lane are currently vacant at ground level, with a gym on the first floor. The rear of that building is separated by the gardens and private amenity space belonging to a three-storey apartment building, Wentworth Lodge, which is itself to the west of the rear of the application site. On Gruneisen Road there is a single storey automotive repair workshop directly adjoining to the north-west, and two and three storey terraced houses are to the opposite side of Gruneisen Road (numbers 2-12). As noted above, Hartnell Court occupies the corner site on Ballards Lane and Gruneisen Road, and Victoria Park is located on the opposite side of Ballards Lane.

2. Site History

This application follows the refusal of planning permission on 25 November 2016 for application reference 15/05583/FUL, which was for:

Demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 4 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level.

The application was refused for two reasons:

- 1 The proposal by reason of not including any on-site dedicated car parking would have a harmful impact on highway and pedestrian safety and the free flow of traffic; and have a detrimental impact on residents in a scheme of this size and height, as well as the amenities of neighbouring occupiers. The proposals would be contrary to policies CS9 of the Adopted Barnet Core Strategy 2012, policy DM17 of the Adopted Barnet Development Management Policies 2012, and policy 6.1 and 6.11 of the Mayor's London Plan.
- 2 The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016, contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Policy CS5 of the Adopted Barnet Core Strategy 2012.

3. Proposal

The proposals are for the demolition of the existing buildings and the erection of a six-storey Block A adjacent to the Ballards Lane frontage and a four-storey Block B adjacent to Gruneisen Road. Vehicular access would be gained from this second street frontage. The space between the buildings would be largely taken up in car parking at ground level, with Building B projecting out over some of these spaces. Landscaping would be provided on the south side of the building and also on a small triangle of land close to the northern boundary with Hartnell Court. Further greening of the site is proposed by way of a pergola over the parking spaces adjacent to the Hartnell Court boundary, which would be clad in climbing plants.

During the course of the application, amended drawings were received and consulted on, which resulted in changes to the design of both buildings intended to reduce the dominance of Block A on the street frontages, deletion of windows in Block A that would have overlooked Wentworth Lodge, deletion of balconies from and remodelling of Block B to improve the relationships with Hartnell Court, and the addition of landscaping between the two buildings. The roof form of Block B was also amended to provide mansard roof to the Gruneisen Road frontage. Changes in the design of Block A resulted in a reduction of two units in that building, with the overall number of flats proposed falling from 54 as submitted to 52 in the amended drawings.

Block A would accommodate 32 flats with a 161 sq.m. ground floor commercial unit on Ballards Lane and flats on a lower ground floor level in the rear part of this building. The mix in this building would comprise 11no. one-bedroom, 19no. two-bedroom and 2no. three-bedroom flats, inclusive of three wheelchair units (2no. one-bedroom and 1no. two-bedroom units).

In Block B would accommodate 20 flats comprising 6no. studio flats, 11no. one-bedroom and 3no. two -bedroom flats, including two of the single bedroom units as wheelchair flats.

Amenity space would be provided for some flats in the form of balconies or terraces for 32 flats in both buildings, along with small private gardens in the case of two lower ground floor flats in Block A. The two ground floor flats in Block B would have small front gardens, although these cannot be described as private amenity space.

Refuse and recycling stores would be provided within both buildings, at the rear of Block A and on the street frontage for Block B. 24 car parking spaces would be provided, and 87 cycle spaces, again within the buildings.

4. Public Consultation

Consultation letters were sent to 293 neighbouring properties, and were reconsulted on 4th December 2017 after amended plans were submitted. 55 responses have been received, comprising 51 letters of objection, one letter of support and two further representations. Comments are summarised as follows:

- The parking situation is already poor for existing residents; the proposal would add additional pressures on parking. The majority of residents of this potential development will be forced to seek parking elsewhere and exacerbate parking in nearby streets which have already reached saturation point. Parking is also insufficient for visitors, contractors and deliveries.
- Any new development should have a parking space for each dwelling and the parking restrictions should be 8am to 9pm.

- Traffic congestion.
- Impact on safety of pedestrians due to the large number of new residents.
- While in favour of redeveloping the police station this should be done in a way that ensures the existing residents of the surrounding area are not negatively impacted.
- 10 Gruneisen Road which is a purpose built turn of the century ground floor flat with another flat above. The proposed 'Block B' will be directly opposite and being 4 stories high it will cast a shadow and result in a loss of natural light, and this building should be greatly reduced in height.
- The design of Block B should be more in keeping with the cottages opposite.
- Family-friendly areas like these are becoming rare as all new builds are flats which end up being rentals, with more turnover of occupiers and more dumping of unwanted effects by tenants leaving to move out.
- Loss privacy for occupiers of Wentworth Lodge.
- Loss of morning sun to Wentworth Lodge.
- Obstruction of views to Victoria Park.
- Fails to respect and enhance local character and does not respond to local distinctiveness.
- Does not respect the existing building line or respond positively to the scale, massing and height of the surrounding physical context.
- Overdevelopment of the area. The overall number of units must be greatly reduced, to provide less cramped accommodation.
- Excessive demand on local utilities.
- Increase in social and public problems in the area.
- Likely to serve only as another investment opportunity for landlords rather than the creation of real social housing which is severely lacking in the area.
- The Martyn Gerrard building which is attached to Hartnell House was refused planning permission to build an extra floor. A bigger and bulkier building should not therefore be approved.
- Approved would make a complete mockery of Barnet's Local Plan.
- The revised plans are not considered to address the fundamental issues for residents of Gruneisen road.
- The reduction in the amended scheme will not prevent loss of light and privacy for some residents.

4.1 Consultation Responses

Highways Officer:

No objections, subject to conditions.

Environmental Health:

No objections, subject to conditions.

Lead Local Flood Authority:

No objections, subject to conditions.

The London Fire and Emergency Planning Authority:

The Authority strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the

damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier.

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 in 2012, and 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 such.

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.

Consultation Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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.

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and Design of Housing Developments

- Policy 3.8 Housing Choice
- Policy 3.9 Mixed and Balanced Communities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater infrastructure
- Policy 5.15 Water use and supplies
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.2 An Inclusive Environment
- Policy 7.3 Designing Out Crime
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.6 Architecture
- Policy 7.18 Protecting open space and addressing deficiency
- Policy 7.19 Biodiversity and access to nature
- Policy 8.1 Implementation
- Policy 8.2 Planning Obligations
- Policy 8.3 Community Infrastructure Levy

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	National Planning Policy Framework - Presumption in favour of sustainable development
CS1	Barnet's place shaping strategy - the Three Strands approach
CS3	Distribution of growth in meeting housing aspirations
CS4	Providing quality homes and housing choice in Barnet
CS5	Protecting and enhancing Barnet's character to create high quality places
CS6	Promoting Barnet's town centres
CS8	Promoting a strong and prosperous Barnet
CS9	Proving safe, effective and efficient travel
CS10	Enabling inclusive integrated community facilities and uses
CS11	Improving health and well-being in Barnet
CS12	Making Barnet a safer place
CS13	Ensuring the efficient use of natural resources
CS14	Dealing with our waste
CS15	Delivering the Core Strategy

- Relevant Development Management Policies:

DM01	Protecting Barnet's character and amenity
DM02	Development standards
DM03	Accessibility and inclusive design
DM04	Environmental considerations for development
DM05	Tall buildings
DM06	Barnet's heritage and conservation
DM07	Protection of housing in Barnet
DM08	Ensuring a variety of sizes of new homes to meet housing need
DM10	Affordable housing contributions
DM11	Town centres
DM14	New and existing employment space
DM16	Biodiversity

DM17 Travel impact and parking standards

The Council's approach to all development as set out in Policy DM01 is to minimise impact on the local environment and to ensure that 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, amongst other things, privacy amenity and outlook for adjoining occupiers.

Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG
- Mayor of London's Affordable Housing Viability SPG
- Shaping Neighbourhoods: Play and Informal Recreation SPG
- Control of Dust and Emissions during construction and demolition SPG

London Borough of Barnet Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

Affordable Housing SPD

- Provides detailed guidance that supplements policies on affordable housing provision in the adopted Local Plan.

Skills, Enterprise, Employment and Training SPD

- Provides detailed guidance on financial and non-financial provisions to be made within larger developments for Employment and Training.

Other relevant planning documents

London Borough of Barnet Characterisation Study

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

Planning Obligations SPD

- The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the Council will seek to use Planning Obligations and the procedural process for doing so.

Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD

- The SPD sets out the Council's approach to delivering skills, employment, enterprise and training initiatives from development.

5.2 Main issues for consideration

The application seeks to overcome the reasons for refusal of the 2016 planning application, ref. 16/5328/FUL. Key issues for consideration therefore relate first to the two reasons for refusal, and secondly to other key issues that may have arisen due to the differences in the refused and proposed schemes, as follows:

(i) The issues in the reasons for refusal:

- Lack of dedicated on-site car parking and the resulting harmful impact on highway and pedestrian safety and the free flow of traffic.
- Overdevelopment of the site that would be detrimental to the character and appearance of the streetscene and general locality, by reason of its height, massing, siting, scale, and density.

(ii) Other key issues:

- Whether the principle of the development is acceptable.
- Whether the proposals make adequate provision for affordable housing.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether living conditions for future residents would be of an acceptable standard.
- Whether the proposals would have an acceptable impact on archaeology.
- Environmental and sustainability Issues.
- Whether the proposals would make adequate provision for accessibility.
- Section 106 and Community Infrastructure Levy (CIL).

It should further be noted that this scheme no longer seeks permission for private rental sector (PRS) units, but market housing. Therefore, whilst the identified issues in the previous application are considerations, the planning balance of considerations is different as

previously officers gave significant weight to the PRS use. All issues therefore need to be reconsidered.

5.3 Assessment of proposals

5.3.1 Whether the application has overcome the issues on which application reference 15/05583/FUL was refused

Reason 1 - Whether the proposals would have an acceptable impact on highway and pedestrian safety

It is noted that two options for car parking were submitted, one of which would have provided less spaces (14) with the balance area provided as landscaped amenity space and the other providing 24 spaces. While the Council does not generally choose between options when assessing applications, in this case the fact that this was essentially limited to one issue (parking provision) both formed part of the basis of negotiations. The option that would provide the lower number of car parking spaces was considered unacceptable, and not given further consideration. The option with 24 spaces represents a reduction of 21 parking spaces would from the 45 existing. There would also be 87 cycle spaces in two stores, one in each of the two buildings.

Parking Assessment

The assessment of vehicular parking provision for a residential development is based on various criteria including Public Transport Accessibility Levels (PTAL) Score. The PTAL Score for the site is calculated as 4.

The parking requirement for the proposed development is calculated as follows.

06x1b (Studios) = a range of (0.0 - 1.0) = 00.00 – 27.0 parking spaces required

22x1b = a range of (0.0 - 1.0) = 00.00 – 22.0 parking spaces required

22x2b = a range of (1.0 - 1.5) = 22.00 – 33.0 parking spaces required

02x3b = a range of (1.0 - 1.5) = 02.00 – 03.0 parking spaces required

This equates to a range of parking provision of between 24 to 64 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies DM17. Highways officers interpret that the maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) i.e. 1a or 1b for the site. As the PTAL rating for the site is 4 the parking provision required would be 40 parking to accord with the parking standards as set out in the DM17 Policy.

24 parking spaces are being provided including 4 disabled parking spaces resulting in shortfall in parking provision by approximately 16 parking spaces.

A Transport Statement (TS) prepared by Ardent Consultant Engineers has been submitted with the planning application.

The consultants in the TS have identified that the car ownership for the local area based on the 2011 Census Data is 0.86 per household. Based on the car ownership data it is only logical to conclude that the proposed development may result in parking demand for approximately 46 parking spaces. As no parking is provided for the development it is likely

that the overspill parking resulting from the development onto public highway in the surrounding roads and therefore will have a detrimental impact on public highway.

Parking Beat Survey

The consultants have undertaken parking beat survey as required under the DM17 Policy to justify the shortfall in parking provision.

As part of the pre-application advice provided to the applicant, the scope of assessment for a car parking capacity survey was agreed including the area to be covered. The survey was undertaken as summarised below:

- 2 x Overnight Surveys (single beat between 00:30-05:00)
- 2 x hourly beats between 18:00-21:00; and
- Hourly beat between 11:00 – 13:00 on both a Saturday and Sunday

The surveys were undertaken on the following days.

Saturday 1/7/2017	weekend day time survey
Sunday 2/7/2017	weekend day time survey
Tuesday 4/7/2017	weekday evening survey
Wednesday 5/7/2017	weekday overnight survey

The tables below included in the TS summarise the results of the parking beat survey.

The result of the survey indicated that there is ample parking available on street within the identified area for parking during the night time survey and at the weekends to accommodate any potential overspill parking, detailed assessment of the survey showed that the roads in close proximity of the site suffers from greater parking stress than on roads further away from the site.

Taking into consideration the following factors:

- Parking provision of 24 parking spaces is falling short when assessed against the DM17 parking Policy;
- The site on the edge of a town centre location and local amenities;
- The site is located in an area with a Public Transport Accessibility (PTAL) score of 4;
- The site is located on the edge of a one Hour Controlled Parking Zone (CPZ), in close proximity of road with uncontrolled parking which suffer from high parking stress. Any overspill of parking resulting from the proposed development will further exacerbate the parking pressure.
- The potential detrimental impact of the proposed development on roads in close proximity of the site and the roads sandwiched between Church End and North Finchley CPZs which are not part of either of the existing CPZs.
- Therefore any permit restriction is unlikely to deal with the impact of parking demand that may result from the proposed development.
- The location of the site provides an easy vehicular access to A406 North Circular Road, A1, A41 and M1 which will inspire the occupants of the proposed development to own a car:

In conclusion, the proposed development with shortfall in parking provision is likely to have a detrimental impact on roads in the close proximity of the development therefore the developer will be expected to provide contributions towards the future review and implementation of the outcome of the review of the existing CPZ including the amendment of the Traffic Management order for the future residents of the development to be exempted from purchasing CPZ parking permits.

Trip Generation

Within the TS the consultants carried out a trip generation assessment for the proposed development using the industry standard TRICS database as shown in the table below which indicated the potential vehicular trip generation during the AM and PM Peak hours.

Period	Trips		
	In	Out	Total
AM Peak (8am-9am)	1	7	9
PM Peak(5pm -6pm)	5	2	7
Daily Total	28	32	60

The consultants have stated that in terms of vehicle movements, the application site will result in a reduction compared to the existing police station use.

Electrical Vehicle Charging Points (EVCPs)

Electrical Vehicle Charging Points would need to be provided in accordance with the London Plan Parking Standards. A condition will be applied to this effect.

Cycle Parking

Cycle parking is to be provided in accordance the London Plan Cycle Parking Standards. A condition will be applied to this effect.

Vehicular Access

Please note that the maximum width of vehicular access allowed from the public highway would 4.8m wide.

Refuse Collection

Refuse stores are to be provided on the frontage of both Ballards Lane and Gruneisen Road. The bin store should be located within 10m of the public highway on a levelled surface.

The applicant is advised that the Council's Refuse Collection Team must be consulted to agree the proposed refuse collection arrangement.

It is proposed that separate refuse stores are to be provided for the commercial and residential elements.

Commercial waste is to be collected by a private contractor and the residential waste is to be collected by the Council's Waste collection.

Travel Plan

A travel Plan (TP) has been submitted with the planning application. A Travel Plan Statement is required for the proposed development. A contribution of £5,000 would be required towards the monitoring of the TP.

Section 106 requirements

CPZ Contribution:

- A contribution of £114,034.79 will need to be secured towards the proposed CPZ works as follows.
 - To undertake review of the existing CPZs;
 - To implement the outcome of the review;
 - To undertake consultation on roads currently outside the CPZ area in the proximity of the site; and
 - To implement the outcome of the CPZ consultation.
- A contribution of £2,000 would also need to be secured to amend the existing Traffic Management Order to exempt permits.

Travel Plan Contributions:

- Travel Plan monitoring contributions of £5,000 is required.
- £7,800 is also needs also to be set aside by the applicant towards the Travel Plan Incentives in accordance with the Planning Obligations SPD.

Based on the PTAL Rating for the site of 4, the parking provision for the residential use would have required parking provision of 43 parking spaces in accordance with the Parking Standards as set out in DM 17 Policy. Provision of 24 parking spaces would result in a falling short by 19 parking spaces. TfL's support for the provision of 14 parking spaces would result in shortfall in parking provision. Considering that the site is located on the edge of a town centre and a one hour CPZ the proposed reduction from 24 parking spaces to 14 parking spaces could not be justified as any further reduction in parking provision would result in overspill of parking on roads in the vicinity of the development and potentially could impact on roads in the close proximity of the development and could potentially adversely impact on the Strategic Road Network (SRN) contrary to TfL comments above on SRN and is likely to impact on the free flow of traffic and pedestrian and highway safety therefore any further reduction in parking is not supported by London Borough of Barnet.

Conclusions in regards to Reason 1

Subject to the completion of the section 106 planning agreement and to conditions as recommended in this report, it is considered that the first reason for refusal has been successfully overcome.

Reason 2 - Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The proposed development would take the form of two blocks with a courtyard car parking between them. The block fronting Ballards Lane would largely fit within the existing linear development on this frontage. While the existing building on the site is set back from the adjoining building to the south-west, the proposed Block A would extend forward to match the front building line of this neighbouring building. The building line to Gruneisen Road is less well defined, with commercial uses having irregular parking areas to the frontage. The proposed siting of Block B close to the street frontage would result in a more urban character, which is however considered to be acceptable in the context of the apartment building at Hartnell Court and buildings in various business uses on the southern side of Gruneisen Road.

Density

The gross site area for purposes of assessing density is approximately 0.22 hectares. The London Plan and LBB Residential Design Guide SPG sets out that for sites in urban locations with good public transport accessibility (PTAL 4 or above), density ranges of 200-700 habitable rooms and 45-260 units per hectare are advised. For suburban sites, 200-350 habitable rooms and 45-130 units per hectare are considered appropriate (so with upper figures at half of those for urban sites). This site is a mix of both, with the southern part being more urban (within the Town Centre) and the northern part more suburban. It is noted however that, in the draft London Plan which is currently being consulted on by the Greater London Authority, density limits are removed.

Based on the plans provided, the whole site would be developed at 274 units per hectare. This is slightly over the maximum for urban areas in the current policy documents. Policy 3.4 of the London Plan advises that *development should optimise housing output for different types of location within the relevant density range but that the density matrix should not be applied mechanistically, and that other factors should be taken into account in optimising potential.* The GLA Supplementary Planning Guidance on Town Centres states that such areas are well suited to high density development. It is not considered that the density of the scheme is so great as to warrant refusal on these grounds, taking into account the other aspects of the scheme which have been considered to be satisfactory as set out below.

Scale and Massing

The proposed Block A would be a maximum of six storeys in height, although the main element at street frontage would be four-storeys high. Above this, the fourth floor is set back from the street frontage and stepped back again and also in from the sides, to the fifth floor level. It would also be set in from the rear on the fourth and fifth floors, with roof terraces provided for the flats on these levels. The cladding material for both of these levels will be a grey metallic finish, resulting in a recessive appearance that will accentuate the brick-built four storey element. With regards to scale, Block A has been reduced from seven stories for

the street frontage element to Ballards Lane in the refused application, to six stories with the significant set-ins from the front part of the building for the top two levels. The top level is also set in significantly from the sides, resulting in a more appropriately scaled building as viewed from the frontage. Due to the lower ground levels to the rear of the site, the central part of Block A while having a similar roof height to the front of the building would have been eight stories high. To the rear of that, the refused Block A would have dropped in height towards Wentworth Lodge to six and then three stories. In this proposal, the reductions towards the rear would be to a four stories, but the majority of part of the building would sit below the maximum height of the equivalent part of the building in the refused application. The rear parts of the building would also be pulled further away from the boundary with the Wentworth Lodge private amenity space on its southern side. While this block would be the tallest building in the immediate vicinity and considerably taller than neighbouring buildings, it is considered that with careful attention to high quality exterior materials the proposed building would be of a quality that would improve the overall appearance of this part of the Town Centre, while providing an appropriate reduction in scale compared to the refused application. In particular, it would sit more comfortably in the street scene on Ballards Lane than the equivalent building in the refused proposal.

Block B would also comprise a brick-clad element, in this case three stories high on the Gruneisen Road frontage and four stories further south into the site. A fourth level towards the Gruneisen Road frontage of this building is designed in the form of a mansard roof, again with a grey metal cladding, which would be set back at from this frontage. As compared to the refused application, the building has been pulled back from the boundary with Wentworth Lodge, and while the element closest to the Gruneisen Road frontage remains at a similar height to that of the previous proposal, the height to the rear of that has been reduced from five to four stories. This is considered to be more appropriate to the site, and improves relationships to both Wentworth Lodge and Hartnell Court as compared to the refused application.

It is noted that ground levels are lower towards the westward end of Gruneisen Road, but that Hartnell Court provides a taller building close to the junction with Ballards Lane. This part of the site is currently occupied by the police station car park. While the building line for Block B continues to sit slightly forward of the garage to the west, it is considered that the scale of the proposed building to Gruneisen Road would be appropriate in the context of its neighbours, and would not appear unduly jarring or tall against these. It is not considered in this context that the proposed massing of the block to Gruneisen Road would cause material harm to the character and appearance of the streetscene and general locality. The removal of one level of accommodation coincides with what would have been the central part of Block B in the refused application, and the rearmost part of the building has been eliminated entirely in this application. While the proposal would be larger in scale with neighbouring buildings to Ballards Lane, the presence of the taller building at Hartnell Court and the set-back of the top level of accommodation from the street frontage would provide an appropriate transition in scales on this street frontage. Subject to appropriate materials, it is considered that Block B would provide an appropriately designed and finished building in this location.

External Appearance

The plans show development with buff or light brown brick cladding for the main elements in each building with grey metal finishes above. Recessed window openings, with composite and tile cladding. Nearby buildings on Ballards Lane include a mixture of commercial terraces with traditional details such as balustrades and banding, and more isolated modern flat-roofed development along with the modern shallow-pitched roof at Hartnell Court. Buildings on Gruneisen Road consist of a mix of late 19th century terraces and a larger villa along with commercial premises. The materials would give a mix of contemporary and traditional influences, reflecting the mixture of more modern development in the town centre and the more traditional buildings on Gruneisen Road. Where higher brick walls would feature, rusticated brick patterning would be provided to add design interest. Greenery is shown on the CGIs submitted with the amended plans, and while some of this is likely to be impractical due to its reliance on deep planter bays that would need to be very well managed and maintained if the vegetation was to thrive, additional green walls could be provided in more appropriate locations, as recommended in the condition below.

In order to ensure that the appearance of building is not marred by the addition of significant external fittings that have not been considered as part of the design, and it is noted there is an opportunity prior to construction to ensure that any flues and ventilation equipment for the commercial unit are provided within the envelope of the building. It is considered that any A3 use of the commercial unit should be subject to this being demonstrated, and a condition is recommended that such use of the unit may only proceed if this is provided for. Another condition would ensure that permitted development rights for installation of telecommunications equipment on the building are removed.

Landscaping

Given the urban nature of the site and the proposed layout, the scope for landscaping is very limited. Car parking has been provided in order to address the first reason for result in the previous application, and this has resulted in the space available for landscaping being very limited. Some details of landscaping are shown on the landscape masterplan provided, but a condition would be required in the event of approval in order to secure the details of a hard and soft landscaping scheme that would assist in softening the appearance of the development. Artificial greenery would not be acceptable at this Town Centre / suburban edge, but climbing plants on a pergola over car parking, as described in Section 3 of this report, would be an acceptable feature in the scheme. Their success would however be dependent on the provision of adequate soil volumes within the car parking area, details of which would also need to be provided in conjunction with the landscaping scheme.

Conclusions in regards to Reason 2

Taken the above points and reductions in the scale of the two buildings as compared to the refused application, it is considered that the current proposals including the amendments received during the course of this application would successfully overcome the second reason for refusal in the 2015 application.

5.3.2 Other key issues

This leave the other key issues both as considered in the previous application and that may have arisen due to the differences in the refused and proposed schemes, to be assessed.

Whether the principle of the development is acceptable

Loss of the Police Station

The proposals seek to demolish the existing police station building and replace it with two residential blocks. The block fronting Ballards Lane would have a commercial use at ground floor level.

Policy DM13 relates to community uses and states that *'Loss of community or educational use will only be acceptable in exceptional circumstances where: i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.'*

Page 129 of the Core Strategy suggests that a police station would not technically fall under the description of a community facility and therefore should not be considered under policy DM13. However it must be noted that such a facility could provide some community benefit and this needs to be considered.

Policy CS12 states that LB Barnet *will work with the Metropolitan Police to provide remodelling of its estate as a basis for an effective and responsive police service in Barnet.*

The applicant advises that the police station was identified as being surplus to requirements in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016.

London Plan policy 3.16 states that:

Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

The building is no longer used by the Metropolitan Police. Given that the Metropolitan Police have already identified the site as being surplus to requirements, and the policy support within policy CS12 it is not considered that the loss of the police station would warrant refusal of planning permission in itself. This further needs to be balanced against the benefits that the proposed housing units would provide, including as noted below three shared-ownership units.

Proposed commercial unit

Policy DM11 essentially supports A class uses within this secondary retail frontage. A flexible A1 / A3 use is considered to be appropriate, subject to internal flues and ventilation being designed into the proposal as discussed above in regards to design and appearance. Conditions are recommended to provide these issues.

Unit Mix

While Policy DM08 identifies family sized home as the biggest priority for housing delivery in Barnet, the proposals would make provision for significant numbers of smaller units, including a range of studio units and 1 and 2 bedroom flats. While only 2no. 3-bedroom flats

would be provided, the site is within a town centre, and therefore is suitable for delivering smaller sized units. The mix of unit sizes is therefore considered to be appropriate for this site.

Whether the proposals make adequate provision for affordable housing

Policy DM10 of the Development Management Policies Document states that *the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more*. The applicant has provided a Financial Appraisal Supporting Statement in support of the scheme, which has been independently reviewed on the Council's behalf. The review concludes that the scheme can provide a development profit surplus of £144,900. The applicant has offered to provide three on-site units, comprising 2 no. 1-bedroom and 1 no. 2 bedroom flats. As this falls well short of the minimum 40% provision set out in Policy DM10, it is considered that this offer of shared ownership units would only be acceptable:

- (i) subject to confirmation that these are acceptable to a registered social landlord, and
- (ii) provision of a review clause within the section 106 agreement.

The review closure is intended to ensure that, if the profitability of the scheme is sufficiently improved on the level projected in the applicant's viability assessment, an additional financial contribution towards provision of affordable housing would then be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision. The timing of any review is currently the subject of negotiation with the developer; further details will be provided in the Addendum report.

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

Daylight and Sunlight

A daylight and sunlight report accompanies the planning application. This refers to BRE (Building Research Establishment) Guidance, which assesses sunlight in terms of visible sky component (VSC) or "no sky view", and daylight in terms of average daylight factor (ADF). For VSC, target values that are considered acceptable in the guidance is that the VSC should not fall below 0.8 times their measured value prior to the development taking place.

The following properties were considered in the applicant's assessment:

- 197 - 201 Ballards Lane (Hartnell Court)
- 205 - 207 Ballards Lane
- 2 - 12 Gruneisen Road (even numbers only)
- 1 - 14 Wentworth Lodge.

Officers requested further information in regards to 2 - 12 Gruneisen Road (evens) and a supplementary report was also provided that gave further consideration to these properties. The reports set out that the impact of the proposals would be compliant with BRE standards with the following exceptions. The guidance notes that these will not always be achievable in urban areas, and the following windows would be slightly below the BRE recommendations in regards to sunlight and / or daylight:

- A single first floor rear window at Hartnell Court, which currently overlooks the police station car park.
- A single first floor rear window at Wentworth Lodge.

- For the Gruneisen Road properties opposite, individual windows within the ground floor bays at 2, 4, 6 and 8 would be adversely affected in that the light values to one or two of the windows in each bay would be slightly under the BRE standard. These face the street and Block B. However in each case, when the bays are considered as a whole, the light afforded to these properties complies with the BRE standard.

It is noted that any development that is capable of delivering a viable scheme for the redevelopment of this site is likely to result in more urban characteristics for the area as a whole, and that in this context the marginal non-compliance with BRE standards is not considered to be so great as to warrant refusal of the application, given the overall benefits of the proposals in respect of delivering housing to the area.

Outlook, visual impacts and privacy

Separation from ground to fourth floor levels would be located between 8.5m and 10.0m from Wentworth Lodge to the rear, increasing to 15m at fifth floor level (13.5 from the closest balcony at that level) and 19.5m from the fifth floor level (15m to 16.5m from the outdoor terrace). The development would be prominent in views from the rear windows of the block of flats at Wentworth Lodge. Windows in the rearmost parts of the building have been oriented to the sides rather than to the rear, so that the minimum distance between directly facing windows within the development and those at Wentworth Lodge would be 24m. Potential views from windows at higher levels are prevented by the setting in of the fourth and fifth floor levels from the rear of the building. A number of balconies have been deleted from the amended proposals being considered, and for those remaining to be fully acceptable it is considered that translucent or opaque screening would need to be introduced on the sides facing Wentworth Court. The incorporating of climbing plants or sections of green wall on the rear elevations, which have been shown on the amended elevation drawings as being treated with rusticated brick panels, would assist in ensuring a visually acceptable outlook for residents at Wentworth Lodge. With this elevation treatment secured by conditions, it is not considered that the additional height of the building as compared to the existing police station, would be overbearing or unduly dominating as viewed from the rear windows of Wentworth Lodge or houses on Wentworth Avenue.

For residents of Hartnell Court, the bulk of Block A will be apparent in angled views, and screens will also be required on the corners of balconies to divert views. With these in place, it is not considered that there would be any significantly detrimental impacts from Block A on the residents of Hartnell Court

Block B would be sited to the rear of Hartnell Court. With reference to the approved floor plans for this neighbouring building, it is noted that kitchen areas for three flats on the north-east corner of the building would face the closest part of Block B at a distance of 11.5m. The living areas served by the bay window and balconies for these flats would be 20m from the larger part of Block B, with a minimum of 14.5m across a short section of wall (1.0 metre deep) on part of the facing elevation. Balconies on this part of Block B have been deleted in the amended plans, and angled windows added in their place ensure that there would be no directed views towards Hartnell Court.

While opportunities for landscaping in the areas between the two proposed blocks would be limited, indicative landscape proposals provide for pergolas with climbing plants to grown

across their tops would be provided over the car parking spaces adjacent to the Hartnell Court boundary, and a triangular area of about 26 sq.m. of more substantial planning would also be proposed on this boundary. This would improve the appearance of the currently hard-paved car parking area at the former Police Station, and assist in improving the outlook at the rear of Hartnell Court.

Overall, it is considered that, while there would be some loss of outlook for residents at both Wentworth Lodge and Hartnell Court, a harmful sense of enclosure would not result from the proposals. Views between habitable room windows are at sufficient distances to ensure that no harmful loss of privacy would result, and any potential overlooking from balconies in the revised scheme would be countered by the privacy screens noted above. Overall, it is therefore considered that impacts on outlook and privacy would be acceptable.

Noise and disturbance

The proposals involve developing a former police station site as primarily residential scheme. Taking into account the former use of the premises as a police station it is not considered that the proposals would result in a material harm in terms of noise and disturbance to neighbouring residents as a result of the development.

Light Pollution

Given the sight layout, location of windows, it is not considered that harmful light pollution should result from the development. A condition could be attached to any grant of planning permission to ensure that external lighting is considered especially for the proposed communal areas, balconies, and access areas, and this is included in the recommended conditions.

Whether the living conditions for future residents would be of an acceptable standard

Daylight and sunlight

The daylight / sunlight study noted above also considers the light for future residents at the development, which demonstrates that acceptable levels of amenity would be provided.

Privacy

One issue for privacy within the development relates to the use of the garden area at the rear of Block A. Any communal use of this garden being in close proximity to the habitable room windows of adjacent flats, resulting in unacceptable impacts on the privacy of these flats. It is therefore considered that this space should be apportioned as private amenity space to the adjacent flats. It would be acceptable to provide for direct means of access between the flats and their private amenity space, and this is provided for in a condition below.

In all other respects, acceptable standards of privacy for future residents would be provided, with no harmful overlooking results either between units or from neighbouring properties.

Internal Space

The proposed units would all comply with the standards in the Mayor's London Plan. Five of the flats would be wheelchair units, which is very marginally below the 10% stipulated in the London Plan standards.

Amenity Space

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 600 square metres of amenity space would be required to serve the development. Amenity space is provided in the form of balconies and private gardens for some of the ground floor flats in Block A. As part of amendments to avoid unacceptable overlooking, the number of balconies has been reduced, and although some flats would have their own private balconies varying from 5 to 16 sq.m. in area, and the two fifth floor flats at Block A would have 82 sq.m. terraces, 18 units would not have access to private amenity space. Some of the balconies will require screening on either one side or, for some of those on the northern side of Block A, at both ends in order to ensure that there is no unacceptable overlooking to either Wentworth Lodge or Hartnell Court. This screening could be either a translucent or completely opaque material, or a combination of the two. This is considered acceptable as views from the main glazed doors can be provided without direct outlook being impeded. Whilst the level of amenity space provided for the majority of flats would not comply with the Council's SPD standards, it is noted that part of the site is within a town centre and that Victoria Park is readily accessible. It is therefore considered that the proposals would provide an acceptable level of amenity.

Playspace

According to the requirements of the London Plan, 32 square metres of playspace should be provided to serve the development. However this cannot be incorporated on site. Given the proximity to Victoria Park it is not considered that refusal on grounds of lack of provision could be justified.

Whether the proposals would have an acceptable impact on archaeology

The site is located within the 'Finchley: Nether Street & Ballard Street, Church End and Manor House' Archaeological Priority Area as identified in the LBB Development Management Policies DPD. This is APA is associated with Anglo-Saxon and Medieval period settlement. A Desk Based Archaeology Assessment was submitted with the application. This noted that the site has been subject to considerable disturbance in the development of the Police Station as well as prior to that, and any remains are considered to be of local significance only. A condition is recommended to provide for pre-commencement investigations to be carried out, in the event that the application is approved.

Whether the proposals would achieve an acceptable level of environmental performance

Air quality

An air quality report accompanies the planning application. The majority of the building is set back from Ballards Lane. Mitigation measures include 'mechanical ventilation system which draws air from the roof or rear of the building'. This would be acceptable to Environmental

Health officers subject to details. Potential issues relating to dust during construction could be dealt through a construction management plan, as provided for in the recommended conditions.

Biodiversity and wildlife

Policy DM16 of the Barnet Development Management Policies 2012 advises that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity. The applicant has submitted an environmental report which sets out that *a preliminary ecological appraisal including a site survey undertaken in July 2017. to identify in order to obtain a baseline for the site and provide recommendations for protecting and enhancing the biodiversity of the site. The site is currently of low ecological value*, with the existing assessed as having negligible potential for roosting bats and the site's location and habitats provide negligible bat foraging or commuting potential. Owing to a lack of suitable habitat and its location, it is unlikely that other protected species are present at the site. Recommendations for enhancements are made within the report which aimed at improving the ecological value of the site post-development. A condition is recommended to provide for this, but also for a further survey to be undertaken if demolition has not commenced prior within three years of the date of the survey.

Building sustainability

A sustainability report is provided with the application, which sets out proposals to ensure acceptable standards of building sustainability. This would be secured in the recommended conditions.

Whether the proposals would have an acceptable impact on local drainage

A proposed drainage strategy was reviewed by the Lead Local Flood Authority during the course of the last application. They considered that the document is acceptable in principle and that conditions could be attached to any grant of planning permission in order to ensure that the development had an acceptable impact on local drainage.

Whether the proposals would make adequate provision for accessibility

The application scheme is required by Policies 3.5 and 3.8 of the London Plan and LB Barnet SPDs to meet Building Regulation requirement M4(2) for 90% of the units and M4(3) for the remaining 10%. While the number of wheelchair units proposed (5 out of 52) is marginally under this requirement, the remaining flats would meet the Part M4(2) requirement. A condition would provide for this in the event planning permission is granted.

The applicant has provided an energy strategy. This indicates that Combined Heat and Power plant and photovoltaic panels can provide adequate reductions in CO2 emissions. At the time of writing the report the applicant had stated that they could achieve a reduction of 21%. This level of reduction is below the requirements of Policy 5.2 of the London Plan and the 2016 Housing SPG's requirements and discussions are on-going at the time of writing the report. In terms of water consumption, a condition would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105

litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan.

Section 106 and Community Infrastructure Levy

The development would be liable to make a contribution towards Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy. In addition to the other section 106 matters noted above, in accordance with the Supplementary Planning Document on Skills, Enterprise, Employment and Training, action 106 agreement to provide six apprenticeships as part of the scheme would be sought.

5.4 Response to Public Consultation

The majority of the issues raised by objectors are addressed in Section 5.3 of this report.

With regards to the reference to a refused application at Gerrard House, while each planning application must be determined on its own merits, the following planning history for that site is noted:

Application ref. F/04628/12 was refused planning permission on 14 March 2013 for a *Third floor extension over existing second floor including alterations to roof to create new office space.*

Application ref. F/02072/13 was subsequently made, a 23 Jul 2013d approved subject to conditions on 23 Jul 2013, for a *Third floor roof extension including a front and a rear dormer window to facilitate conversion into a new office space.*

It is noted however that the above applications related to extensions to an existing building, rather than to a new-build property.

Comments made by objectors in regards to local infrastructure are noted. The requirement to provide for a financial payment towards local infrastructure, by way of the Community Infrastructure Levy, is set out in the Informatives recommended above, to be included in any planning permission that is issued.

6. Equality, Diversity and Human Rights issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the act is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The articles of the act relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

Officers have considered the proposals against the Human Rights act and do not consider that the proposals would be in breach of this.

7. Conclusion

Having taken all material considerations into account, the proposed development is considered to have sufficiently addressed the reasons for refusal of the 2015 application, subject to the recommended conditions and to a section 106 agreement covering the matter as set out in Recommendation 1.

SITE LOCATION PLAN:



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Location Ullswater Court 92 Holders Hill Road London NW4 1LN

Reference: 17/5396/CON

Received: 18th August 2017

Accepted: 18th August 2017

Ward: Finchley Church End

Expiry 13th October 2017

Applicant: IBSA

Proposal: Submission of details of conditions 4 (Boundary Treatment) 5 (Landscaping) pursuant to planning appeal APP/N05090/C/15/3005873 dated 21/06/16

AGENDA ITEM 7

Recommendation: Approve

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

Informative(s):

1 The plans accompanying this application are:

A47 Rev O (Ullswater Court - GA External Front)

2 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

Officer's Assessment

1. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012): Policies DM01, DM02.
- Residential Design Guidance SPD (2016)

2. Public Consultation

The application is being referred to committee as a result of local interest and discussions held at the previous committee meeting on this condition element.

2 responses have been received from No.98 Holders Hill Road and on behalf of Aspen Court residents.

The letters provide the following comments:

- The entire pergola/trellis adjacent to No.98 Holders Hill Road needs to be removed. It is unsightly, poorly maintained and has no beneficial purpose;
- Removal of trellis and white panelling that is located immediately to the left of the parking area gates should be removed and front gate retained.
- Pleases to note the changes being proposed to the Holders Hill Road perimeter;
- Request that the trellis fencing at the south side of their property which borders onto Aspen Court be replaced with a 6ft high close boarded wooden fence in order to provide greater security

3. Assessment of proposal

The application was due to be heard at the Finchley and Golders Green Area Planning Committee on 30 November 2017. However, it was subsequently deferred from that meeting due to the release of Appeal decision notice for previous refused application 16/7639/CON. The application is now being referred back to the committee following a number of amendments which take into account the appeal assessment.

Background

In 2010, planning permission (reference F/02820/10) was granted for the construction of a part 3/ part 4 storey building comprising of 9 flats, with accommodation in the roof space, car parking and cycle storage. Associated landscaping and amenity space. A subsequent application (reference 14/07374/FUL) was refused by the Council in 2015 for the Temporary change of use for five years involving alteration and conversion of existing 3 bedroom flat to create en-suite facilities and kitchenettes to each room at flat 8 Ullswater Court.

The site is managed by the International Bible Students Association (IBSA) which is the administrative organisation for Jehovah's Witnesses in the United Kingdom. The organisation's headquarters are currently based in Mill Hill, The Ridgeway, and the units within Ullswater are currently housing some of the IBSA members. It is the intention to

relocate the charity headquarters of Jehovah's Witnesses and its associated accommodation to Chelmsford which is expected to be completed around 2020.

The Council served an Enforcement Notice on the site in January 2015 as the approved 9 units had been subdivided into 36 dwelling units. The Planning Inspectorate considered appeals to both the Enforcement Notice and the refused change of use application from 2015. The decision concluded that there had been a breach of planning control as the approved 2010 permission had not been implemented and express planning permission was required. The Inspector corrected the breach as Without planning permission, the erection of 36 self-contained flats in a part 3 and part 4 storey building not in accordance with planning permission reference F/02820/10 granted 10 September 2010. The Inspector in their decision also granted an alternative planning permission for the erection of 9 (nine) self-contained flats in a part 3 and part 4 storey building on land at Ullswater Court 92 Holders Hill Road, London NW4 1LN. This reflects a variation of the original 2010 permission. The Enforcement Notice was amended to require the applicant to Cease the use of the building as flats other than in full compliance with the planning permission for 9 flats granted pursuant to appeal reference number APP/N5090/C/15/3005873 and required a 12 month period of compliance from the date of decision (21 June 2016).

Approval for these condition elements were previously considered by the committee and were refused at the meeting of 14 June 2016. Since then, a number of amendments have been to the proposal and are addressed within this application.

Condition 4 (Boundary Treatment)

Condition 4 states:

No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the 9 flats are occupied in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Within the appeal decision notice, the Inspector found that the landscaping and boundary enclosure details, taken as a whole, would result in material harm to the setting of the block of flats and the character and appearance of the area. The appeal was dismissed on this issue.

Specifically the Inspector commented that the secondary trellis fencing has no purpose and would be materially higher than the frontage railings and would appear prominent and incongruous in this location. Following this the proposal now involves the removal of all trellis fencing and white panels along the frontage and bin store. In addition, the trellis fencing along the side (southern) boundary with Aspen Court has been removed. Following discussions with neighbours, it has been agreed that a close boarded wooden fence will be installed around the bin store and a 1.8m high timber close boarded fence installed along the Aspen Court boundary.

In addition, the bicycle store along the side path with No.98 Holders Hill Road has been completely removed, with sufficient bike racks located within the undercroft.

Overall, the proposed removal of trellis is considered to reduce the amount of visual clutter at the front of the site and the removal of translucent panels removes a hard visual

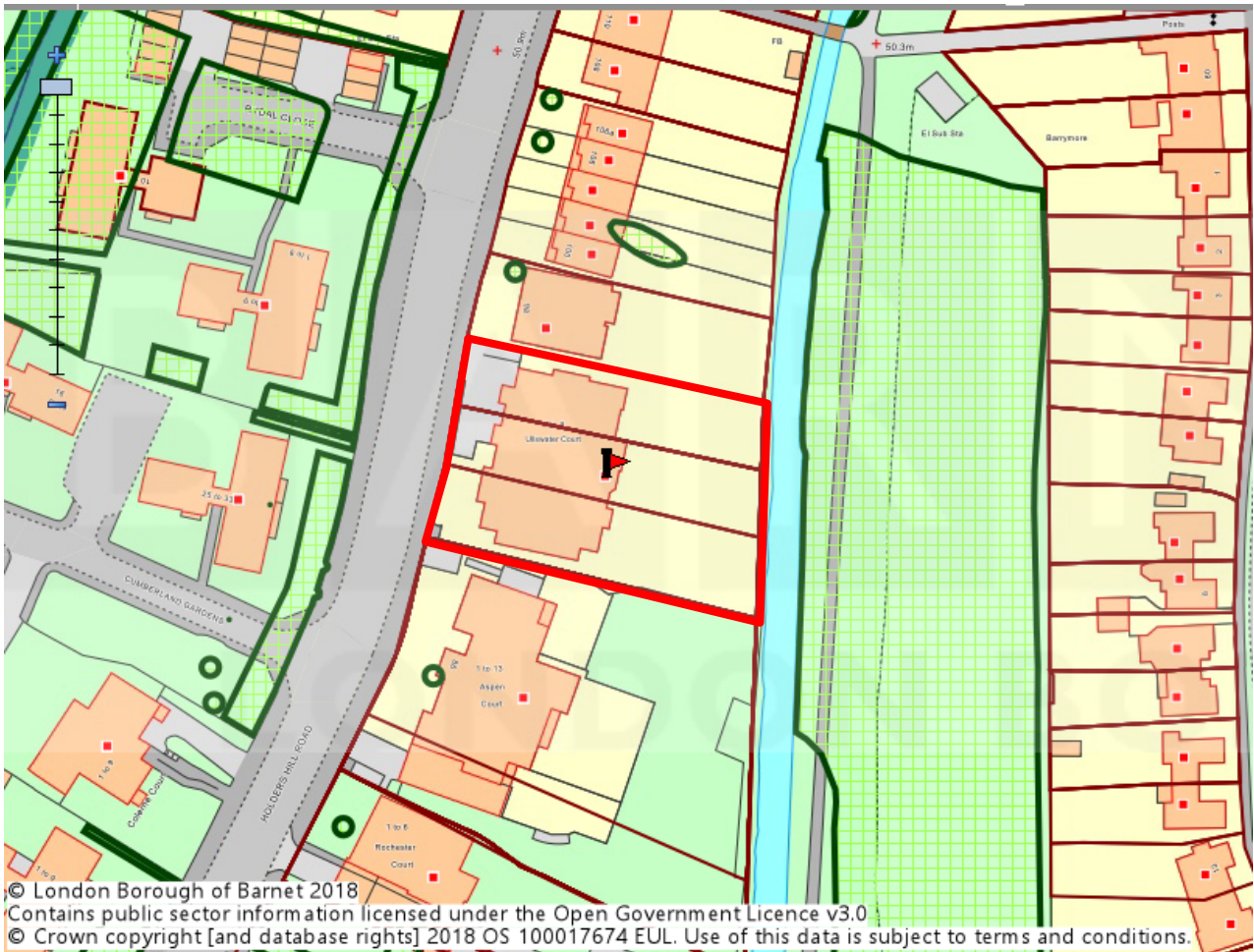
element from the site. The presence of a singular low metal railing is considered to be more in keeping with the street scene and would provide a further improved street scene appearance from the previous refused scheme. As such, the details provided are considered acceptable to meet the requirements of condition 4.

Condition 5 (Landscaping)

Condition 5 states:

No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

At present, the area of hardstanding to the front of the site comprises of 16% soft landscaping through verges or strips of landscaping. It has capacity to accommodate 3 parking spaces. During discussions with the applicant, the percentage of landscaping has been increased to 29% and 1 parking space has been removed from this area. The Inspector commented that the proposed landscaping, following the removal of trellis fencing, would not look particularly out of place or harmful to the street scene. Overall, the proposed landscaping details are considered to be acceptable and provide an appropriate mix of hard and soft landscaping. As such, the details provided are considered acceptable to meet the requirements of condition 5.



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Location 38 Ingram Avenue London NW11 6TL

Reference: 17/2130/FUL

Received: 31st March 2017

Accepted: 10th April 2017

Ward: Garden Suburb

Expiry 5th June 2017

Applicant: Ms Julie Greer

Proposal: Demolition of existing dwelling and the erection of a two storey dwelling with basement level and rooms in roofspace. Associated parking, refuse and recycling store

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

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

123_PL_001 A
123_PL_101 A
123_PL_104 A
123_PL_110 A
123_PL_120 A
123_PL_121 A
123_PL_122 A
123_PL_123 A
123_PL_130 A
123_PL_131 A
123_PL_140 A
123_PL_141 A
123_PL_142 A
123_PL_143 A
123_PL_201 B
123_PL_204 A

123_PL_210 D
123_PL_219 D
123_PL_220 D

123_PL_221 C
123_PL_222 C
123_PL_223 C
123_PL_230 C
123_PL_231 C
123_PL_240 C
123_PL_241 C
123_PL_242 C
123_PL_243 C

1275/5701 A (Ventilation and cooling services layout
1275/5704 A

Site Investigation Report by Connaughts Site Investigation Ltd Report No: 0578
Noise Survey by EMTEC dated 08 December 2016
Heritage Statement by GerrePritchard dated March 2017
Drawing No. 160610-F-01 Tree Survey
Drawing No. 160610-F-02 Tree Constraints Plan
160610-FD-01 Tree Schedule
Basement Impact Assessment by Structure Workshop dated 17.03.2017
Ecological Report by Tim Moya Associates dated August 2016
Letter by agent dated 04 January 2018

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

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

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

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

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

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

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

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

- 5 Before the building hereby permitted is first occupied the first and second floor windows in the side elevation facing No. 90 Winnington Road shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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 (updated October 2016).

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

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 7 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.
- xi. Details of vibration monitoring including a detailed methodology.

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

- 8 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.

- 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 October 2016) and 7.21 of the London Plan 2016.

- 10 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 10 years have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 11 The submission of details pursuant to conditions 8, 9 and 10 shall be made simultaneously.

Reason: In order to enable the Local Planning Authority to assess these interrelated issues at the same time and ensure the proposed development would not be detrimental to the health and vitality of trees within the site in accordance with Policies DM01 and DM06 of the Development Management Policies DPD (September 2012).

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

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

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

- 13 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).

14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for ground works and site preparation works) unless and until details (necessary details specified in brackets) of the following features and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and brick detailing (annotated plans at a scale of not less than 1:20).
- External doors; entablature and columns; windows and roof dormers (annotated plans at a scale of not less than 1:10).
- Chimney detailing (annotated plans at a scale of not less than 1:10)
- Cornice and soffit detailing (annotated plans at a scale of not less than 1:10)

- Lightwell treatment (plans and/or manufacturer details)

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To safeguard the character and visual amenities of the site and conservation area and to ensure that the development is constructed in accordance with policies CS5, DM01 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

4 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- Detailed vibration monitoring during any demolition or piling with a full methodology submitted to the LA for approval prior to any works commencing in accordance with condition 7.

5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the

construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Officer's Assessment

1. Site Description

The application property is a detached property on Ingram Avenue, close to the junction with Winnington Road.

It is located within Area 14 of the designated Hampstead Garden Suburb Conservation area.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century.

Ingram Avenue consists of a series of generous Georgian Revival or late Arts and Crafts houses, many of which designed by architect John Soutar.

The application property is not a locally or statutory listed building. However, the current building has been identified as a positive contributor to the conservation area.

There are various Tree Preservation Orders on site - TPO Group TRE/FI/29/G36 to the frontage of the property, individual T88, individual T87 and group TPO group TRE/FI/29/G35 on the corner of Spaniards Close.

2. Site History

Application reference: C06503H

Address: 38 Ingram Avenue NW11

Description: Rebuilding of house to include front, side and rear dormer windows.

Decision: Approved subject to conditions

Decision date: 25 June 1986

Application reference: C06503J

Address: 38 Ingram Avenue NW11

Description: Three storey detached house with double garage

Decision: Approved subject to conditions

Decision date: 17 September 1987

Application reference: C06503K

Address: 38 Ingram Avenue London NW11

Description: Single storey rear extension

Decision: Approved subject to conditions

Decision date: 05 June 1990

3. Proposal

The application seeks consent for the demolition of existing dwelling and the erection of a two storey dwelling with basement level and rooms in roofspace.

4. Public Consultation

18 consultation letters were sent to neighbouring properties.

A site notice was erected on 20 April 2017.
A press notice was published on 20 April 2017.

4 responses have been received, comprising 4 letters of objection.

The objections received can be summarised as follows:

- Concerns with impact on traffic, access, congestion and parking. Drivers are aggressive in this particular road.
- Lorries associated with other developments are not considerate
- Concerns on noise, dust and smells on the amenity of neighbouring occupiers.

This application requires to be heard at committee because one or more letters of objection included two signatures.

The Hampstead Garden Suburb CAAC were consulted at a meeting on 10 May 2017. They objected to accommodation in the basement; excessive light wells; and arrangement and pattern of fenestration.

Although not a formal consultee, Planning Officers are aware that the Hampstead Garden Suburb Trust are satisfied with proposals, subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the loss of a positive contributor is acceptable
- Whether the new dwelling would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers of the new dwelling;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

Principle of redevelopment; merits of the replacement building and impact on character and appearance:

Paragraph 132 of the National Planning Policy Framework (2012) states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

Paragraph 135 of the National Planning Policy Framework (2012) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy DM01 of Barnet's Development Management Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM06 of Barnet's Development Management Document DPD (2012) states that there will be a presumption in favour of retaining all 1,600 Locally Listed Buildings in Barnet and any buildings which makes a positive contribution to the character or appearance of the 16 Conservation Areas.

The submission states that the original house designed by Soutar was lost in a fire in the 1980s. A subsequent application for a new dwelling followed (reference: C06503J) and was approved subject to conditions, dated 17 September 1987.

The submission states that none of the original fabric is known to have survived and the house was completely rebuilt to the altered design that currently stands on site.

Paragraph 7.2.4 of of Barnet's Development Management Document DPD (2012) states that:

"Proposals for demolition (of positive contributors) will need to address the following:
o the condition of the existing building particularly if this makes its continued use unviable;
and
o the merits of the alternative proposals for the site."

The application would see the loss of a Positive Building within the designated conservation area. Any replacement building would not be automatically listed as a positive contributor. Therefore the merits of the alternative proposals would have to be carefully considered.

Whilst the removal of the existing building would result in the total loss of a positively contributing building to the conservation area previously identified, it is unclear whether the designation of the building in the Hampstead Garden Suburb Character Appraisal Statement (2010) takes into account the loss of the original Soutar building to a fire. Moreover, the proposed building would be of high quality design.

The rebuilt house that stands today was not an exact replica of the original Soutar house. The elevations of the proposed dwelling would give a more ordered and uniform appearance compared to the existing building on site, particularly in relation to fenestration and roof dormer arrangement.

Although there are differences, it is considered that, overall, the proposed dwelling replicates the original Soutar design more accurately and faithfully than the existing dwelling on site.

It is considered that the proposed replacement would preserve the character and appearance of the conservation area than the existing building.

Therefore no objection would be raised to the loss of the Positive Contributor in a designated conservation area, in this particular instance.

It is considered that the replacement building would preserve the significance of the designated conservation area.

Impact on amenity of neighbouring occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

To the east of the site are the rear gardens of No. 90 and 92 Winnington Road.

The two storey element of the existing dwelling is sited 5.3 metres from the boundary adjacent to No. 90 Winnington Road and 6.1 metres from the boundary adjacent to No. 92 Winnington Road. The existing single storey garage directly abuts the boundary of the No. 90 and 92 Winnington Road.

In the proposed scheme, the two storey element of the new dwelling will be sited 10.3 metres from the boundary adjacent to No. 90 Winnington Road. It would be sited away from the boundary No. 92. The single storey projections would be sited 5.3 metres from the boundary adjacent to No. 90 and 2.2 metres from the boundary adjacent to No. 92.

By reason of the fact that the new dwellinghouse would be sited further from the neighbouring boundaries of No. 90 and 92 Winnington Road than the existing dwellinghouse, it is not considered the replacement dwelling would impact the outlook or light enjoyed by occupiers at No. 90 and 92 Winnington Road, nor would it appear overbearing.

A condition has been attached to ensure that the windows in the first and second floor of the flank elevation facing No. 90 Winnington Road is obscured glazed, in order to preserve the privacy of these occupiers.

To the south of the application site is 1 Spaniards Close.

The existing two storey dwelling is sited 5.8 metres from the boundary adjacent to No. 1 Spaniards Close. The existing house itself is sited 20 metres away from the rear wall of No. 1 Spaniards Close.

The two storey element of the proposed replacement dwelling will be sited 5.8 metres from the boundary adjacent to No. 1 Spaniards Close. The two storey element of the replacement house would be sited 15 metres from the rear wall of No. 1 Spaniards Close.

The two storey element of the house will therefore be sited closer to the rear wall of No. 1 Spaniards Close by 5 metres. It will not however be sited closer to the boundary and will retain a distance of 5.8 metres. For this reason it is not considered the proposed dwelling would appear overbearing from the garden area of No. 1 Spaniards Close.

The house would remain to be sited 15 metres from the rear wall of No. 1 Spaniards Close and therefore would not detrimentally impact the outlook enjoyed from habitable windows.

A single storey element (kitchen) would be built 2 metres from the boundary adjacent to No. 1 Spaniards Close. It would be sited 10 metres from the rear wall of No. 1 Spaniards Close. It is not considered at a single storey this element would harmfully impact outlook or appear overbearing from the neighbouring property or garden.

As established, the proposed replacement house would not be sited any closer to the boundary adjacent to No. 1 Spaniards Close. Overlooking of the garden area of No. 1 Spaniards Clos already occurs with the existing house and the case would remain the same in this instance. No direct overlooking (facing windows to habitable rooms) would occur.

The application site is located to the north of No. 1 Spaniards Close. Due to this orientation it is not considered the new dwelling would impact daylight and sunlight levels to an unacceptable level.

Impact on amenity of future occupiers:

It is considered that the replacement dwelling would provide an acceptable level of amenity and living conditions for future occupiers, in accordance with the relevant development plan policy.

Trees:

Policy DM01 of Barnet's Development Management Documents (2012) states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

As a conservation area all trees on site are subject to planning control. There are no Tree Preservation Orders on site.

There are various Tree Preservation Orders on site - TPO Group TRE/FI/29/G36 to the frontage of the property, individual T88, individual T87 and group TPO group TRE/FI/29/G35 on the corner of Spaniards Close.

A Tree Officer has assessed the application.

They have stated that the property is surrounded by mature trees providing high quality visual amenity typical of the Hampstead Garden Suburb Conservation Area.

No trees appear to be impacted specifically by the building. However due to the scale of the demolition and construction process there is a risk of harm to trees from general construction activities.

They have advised that the applicant needs to provide an arboricultural method statement and tree protection plan that sets how this development can occur without harming any trees. The retention of all trees around the property is vital to maintain the current setting of the building.

This information can adequately be secured through conditions. Therefore, subject to the recommended conditions, the application is acceptable on highways grounds.

Basement development:

The existing dwelling is to be demolished and rebuilt with a basement. The applicant has submitted a Basement Impact Assessment (dated 17.03.2017) by Structure Workshop Engineering & Technical Design consultants.

In summary, the document states that ground water was encountered in the borehole at 4.0m below ground level. Whilst this is below the formation of the new basement, the structure will be designed in the permanent case to resist loads resulting from perched water or local flooding. It also states that the basement will also be designed with a waterproofing membrane, a cavity drain and a sump pump to manage any water ingress.

A construction sequence has been developed for the basement construction to demonstrate that the proposals are achievable using well established methods.

Officers are satisfied that the proposals would be acceptable in drainage terms.

5.4 Response to Public Consultation

- Concerns with impact on traffic, access, congestion and parking. Drivers are aggressive in this particular road.

The development would utilise the existing access and would not create any new access.

In response to neighbour's concerns, the agent representing the applicant has stated in a letter dated 04 January 2018: We appreciate that development can cause considerable disruption in a residential area. The applicant certainly wishes to remain a good neighbor and is willing to implement any measures necessary to ensure that occupiers of neighbouring properties do not suffer a loss of amenity.

We therefore recommend that concerns about noise, disturbance, dust and traffic congestion be minimised through a Construction Method Statement.'

Planning Officer's concur with this and have attached a condition requiring the submission of a Demolition and Construction Method Statement and Logistics Plan, before site works begin. Officers are satisfied that subject to this condition, the application would be acceptable.

- Lorries associated with other developments are not considerate

In the event that contractors do not comply with the above mentioned Demolition and Construction Method Statement and Logistics Plan, it would be a matter for planning enforcement.

- Concerns on noise, dust and smells on the amenity of neighbouring occupiers.

An Environmental Health officer has assessed the application and acknowledges that the creation of a basement will result in a degree of noise and cause vibration. For this reason, they have recommended Officers add requirements for vibration monitoring and methodology to any Demolition and Construction Method Statement that is submitted.

In regards to the CAAC's comments, Planning Officers raise no objection to the accommodation proposed in the basement. Lightwells have been amended through the life cycle of the application and are now considered acceptable and in line with the Hampstead Suburb Design Guidance SPD (2010). The fenestration arrangement and pattern is considered acceptable.

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, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the

Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.



Location 203 The Vale London NW11 8TN

Reference: 17/5434/FUL

Received: 21st August 2017

Accepted: 1st September 2017

Ward: Childs Hill

Expiry 27th October 2017

Applicant: Mr Yashar Jamalifar

Proposal: Conversion of existing dwelling into 2no self-contained flats. Associated parking and refuse; retention of existing front porch; construction of new boundary wall to front area

AGENDA ITEM 9

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 203/vale/17/2, 203/vale/17/a 1

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) 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).

4 The materials to be used in the external surfaces of the front boundary wall 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).

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

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

- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

6 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 April 2013).

7 The garden layout shall be carried out in accordance with approved plans and maintained permanently thereafter

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 18/03/18, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents of the development from obtaining parking permits and in the absence of this would be harmful to highway and pedestrian safety. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013) and policy DM17 of the Adopted Barnet Development Management Policies 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.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 Refuse collection point should be located at a ground floor level and within 10m of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins.

4 East Barnet Road is a traffic sensitive road from Monday to Friday during 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs.

Therefore the applicant is advised that deliveries during the construction period should not take place between these hours. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this

5 This tree stands on public highway land maintained by the Council. The grant of planning consent confers no rights for any work to be undertaken to the tree and you are advised to consult the Council's Trees & Woodlands Manager, Greenspaces and Streets on 020 8359 7838 prior to taking any further action.

Officer's Assessment

The item has been deferred to the 18th January Committee Meeting from the previous meeting for a member of the Highways Team to attend.

1. Site Description

The application site is a two storey semi-detached property situated on The Vale within the Childs Hill ward. The Vale comprises of mainly semi-detached dwelling houses, a number of which have been converted into flats. The site is not in a conservation area nor are there any listed buildings within the vicinity.

The proposal property benefits from a single storey rear extension and a roof extension involving front rooflights and side and rear dormers, found lawful under Ref 17/1471/192.

2. Site History

Reference: 17/1471/192

Address: 203 The Vale London NW11 8TN

Decision: Lawful

Decision Date: 23.05.2017

Description: Single storey rear extension. Roof extension involving hip to gable, rear dormer window, 2no. rooflights to front elevation to facilitate a loft conversion.

Reference: 17/3813/FUL

Address: 203 The Vale London NW11 8TN

Decision: Withdrawn

Decision Date: 12.07.2017

Description: Conversion of existing single dwelling house into 3no self-contained flats. Associated parking and refuse

Reference: 17/1501/FUL

Address: 207 The Vale London NW11

Decision: Approve subject to conditions

Decision Date: 09.05.2017

Description: Conversion of single family dwelling into 2no self-contained flats. Associated refuse and recycling store, amenity space and cycle storage

Reference: F/01540/12

Address: 201 The Vale London NW11

Decision: Approve subject to conditions

Decision Date: 02.07.2012

Description: Conversion of existing dwelling house into 2no self-contained residential units following rear and side extensions to roof including dormer windows to facilitate a loft conversion. Part single, part two storey rear and side extensions. New front porch. Provision of off-street parking and hardstanding. This scheme has been implemented (VOA records)

Reference: 16/5093/FUL

Address: 85 The Vale London NW11

Decision: Approve subject to conditions

Decision Date: 12.10.2016

Description: Demolition of existing single storey rear projection and the front of the existing garage. Conversion of existing single family dwellinghouse into 3no. self-contained flats

including part single, part two storey side and rear extension and roof extension including rear dormer window and rooflights. Provision of 3no. off-street parking spaces, associated amenity space and refuse/recycling storage

3. Proposal

Conversion of existing dwelling into 2no self-contained flats: associated parking and refuse: retention of existing front porch

Dimensions: No extensions are proposed to the property under this application. The size of each flat and associated garden amenity space are as follows:

Flat 1 (Ground floor 1b/2p): 57.0m² and 53m² garden amenity space

Flat 2 (First and second floor 2b/3p): 77m² and 34m² garden amenity space

Retention of front porch. This measures 1.1m deep x 2.1m wide x 2.6m high (3.8m to apex).

The layout of the front area has been revised to accommodate one vehicle.

4. Public Consultation

Consultation letters were sent to 55 neighbouring properties.

5 No. responses have been received, comprising 5 letter of objection.

The objections received can be summarised as follows:

- Concern about the tree to the street
- Concern about parking arrangements
- Concern about the size of the existing front porch

Highways: No objection. Parking should be perpendicular to the street. The street tree means access for two vehicles would not be allowed.

Site Notice dated 07.09.2017.

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

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

Barnet's Local Plan (2012)

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

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. DM08 seeks to ensure that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. DM17 will expect development to provide parking in accordance with the London Plan standards.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2016)

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 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 principal of flats in this location
- Amenity and living conditions of future occupiers
- 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.
- Parking and Highways
- Potential Impact on trees

5.3 Assessment of proposals

The principal of flats in this location

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, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

The conversion of a dwellinghouse into self-contained flats is acceptable within this vicinity. The examples under the history section show a number of recent approvals close to the subject site.

It is considered that the sub-division into flats and potential increase in people movements would not result in an unacceptable level of noise and disturbance for neighbouring occupiers.

Amenity and living conditions of future occupiers

Floorspace standards:

Table 2.1 of the Sustainable Design and Construction SPD 2016: Minimum Residential Space Standards states the following:

*1 bed 2 persons flat should provide 50m² of internal floor area.

*2 bed 3 persons flat should provide 61m² of internal floor area.

The proposal would provide the following:

Ground floor flat - 1b/2p - 57m²

First floor flat -2b/3p - 77.5m²

This meets the minimum residential space standards set out in Table 2.1 of the adopted Sustainable Design and Construction SPD (2016) and policy 3.5 of the London Plan.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. The proposed layout and stacking is considered sufficient to prevent any unnecessary noise or disturbance.

Outlook, light and privacy:

All proposed habitable rooms would be provided with sufficient light, aspect and outlook to provide future occupiers with a reasonable standard of living as recommended in the Sustainable Design and Construction SPD (2016). Occupiers would benefit from an acceptable degree of privacy.

Private amenity space:

Table 2.3 of the Sustainable Design and Construction SPD 2016: Outdoor Amenity Space Requirements states the following: For flats, 5m² of space per habitable room. The Ground floor flat would provide approximately 53sqm of outdoor private amenity space and the first floor flat 34sqm. These would exceed the requirements set out in Table 2.3 of the adopted Sustainable Design and Construction SPD (2016).

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

It is considered that the sub-division into flats and potential increase in people movements would not result in an unacceptable level of noise and disturbance for neighbouring occupiers. The number of habitable rooms over the site will remain the same, at 5no. Other than the porch no external changes are proposed.

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

The external alterations are confined to the retention of the front porch. This measures 1.1m deep x 2.1m wide x 2.6m high (3.8m to apex). This is constructed of brick with a tile roof. The design is of a common standard. The approved porch at the adjacent property (201) is larger in width, and there are numerous examples both on the same side of the street and across the street. The porch is therefore not considered to be materially harmful to the appearance of the property or the wider streetscape. The front boundary wall will be rebuilt to approximately one metre high and will improve the street frontage.

Parking and Highways

There is a mature tree on the footway fronting the site and this prevents any meaningful alteration to the frontage and additional off street parking capacity. However, there is already one parking space available on site and subject to limits on the occupiers of the proposed conversion to purchase parking permits the conversion can be acceptable on highway grounds. This would also enable the front boundary wall to be partly rebuilt.

Potential Impact on Trees

The proposed development would not impact the health or quality of the trees on the site or neighbouring sites. Furthermore, there are no designated Tree Preservation Orders on site, or neighbouring the site. The parking arrangement will not affect the street tree if the existing driveway is used.

5.4 Response to Public Consultation

The porch is not considered to be so inappropriate such as to warrant refusal on design grounds, and it will not affect neighbour amenity.

The street tree will remain and the boundary wall will be rebuilt to ensure the parking is channelled across the crossover.

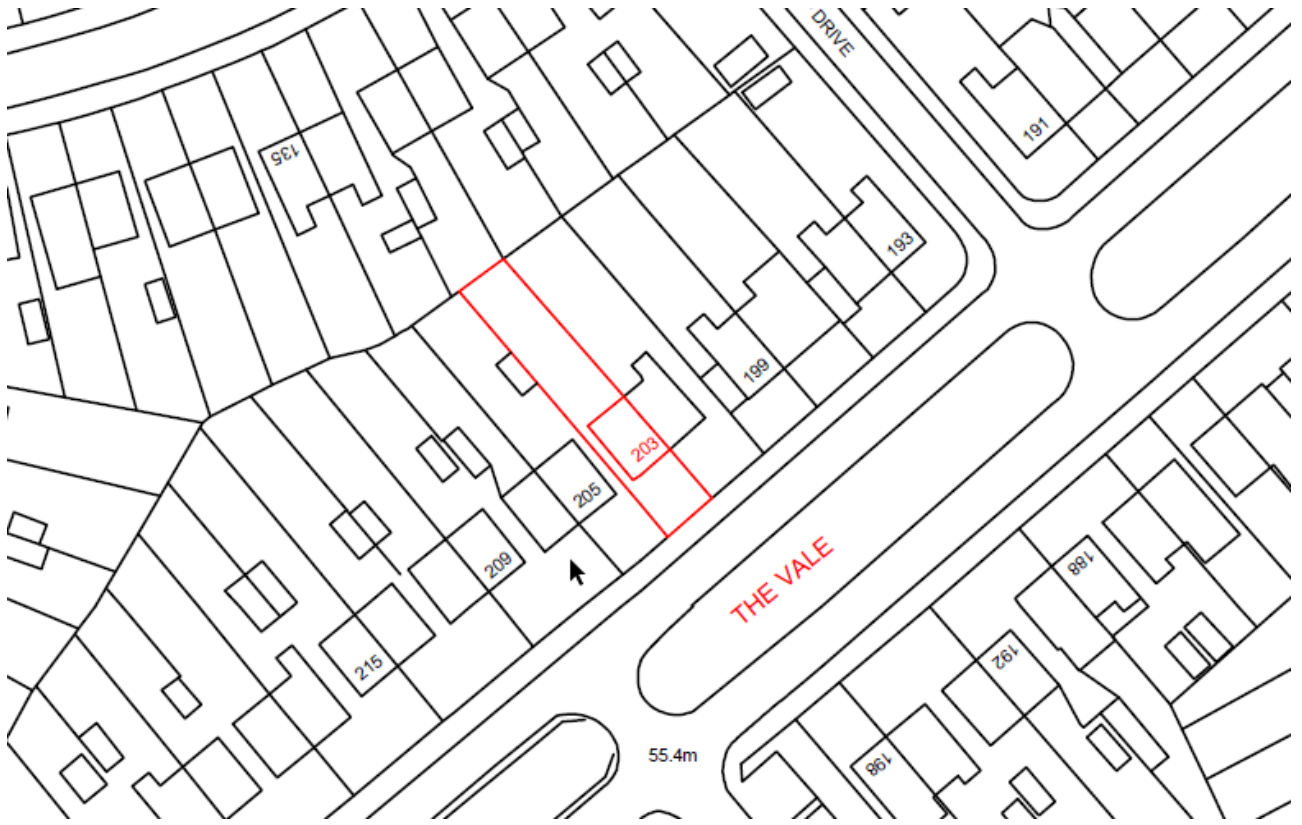
6. Equality and Diversity Issues

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

7. Conclusion

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

the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location 17 Village Road London N3 1TL

Reference: 17/5551/HSE

Received: 29th August 2017

Accepted: 31st October 2017

Ward: Finchley Church End

Expiry 26th December 2017

Applicant: Mr Martin Carter

Proposal: Single storey rear conservatory

AGENDA ITEM 10

Recommendation: Refuse

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

- 1 The proposed upper ground floor rear conservatory extension would be overly large, bulky and out of of scale, would obscure a disproportionate amount of the original rear wall of the locally listed property and would be harmful to the character and appearance of the locally listed property and the Finchley Garden Village Conservation Area. It would be contrary to Core Strategy Policies CS NPPF, CS1, CS5. Development Management Policies DM01, DM02 and DM06, Residential Design Guidance SPD (adopted October 2016, Sustainable Design and Construction SPD (adopted October 2016) and Finchley Garden Village Conservation Area Conservation Area: Design Guidance (2013).

Informative(s):

- 1 The plans accompanying this application are: Location plan, 2017-656/100
- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

Officer's Assessment

1. Site Description

The application site is located on the western side of Village Road within the Finchley Garden Village Conservation Area and is covered by an Article IV Direction.

The existing building on site is a locally listed, two-storey, semi-detached residential dwelling house. The site falls steeply to the west (to the rear) and as a result the ground floor appears as an upper ground level, with a lower ground floor below.

The Conservation Area Character Appraisal notes;

"Finchley Garden Village Conservation Area includes Nos. 1-26 and 31-51 Village Road and Nos. 51- 53 Cyprus Avenue, which are all of a similar architectural style. A new house (No.49 Cyprus Avenue) has recently been constructed within the conservation area in the former side garden of No. 47 Cyprus Avenue, following the removal of a garage. The construction of a replacement dwelling at the former bungalow site (between Nos. 24 and 25 Village Road), is also well under way.

The first 13 houses were built and occupied by the end of 1909 and the remainder were completed by 1914, with the exception of Nos. 39 and 40. The high standards of the original development were protected from unsympathetic additions or changes by stringent leases drawn up by the Finchley Co-Partnership Society. The unaltered appearance of the houses can largely be attributed to these early controls, which lasted until 1939 when the Co-Partnership was dissolved and freeholds were acquired for individual houses.

The houses in the conservation area are built in the distinctive Arts and Crafts style. Although two basic house types reminiscent of the traditional vernacular architecture of rural England formed the basis of the layout, variety was introduced by detailing the elevations differently to distinguish each pair of houses from their neighbour.

The houses are finished mostly in roughcast render with tiled roofs. Characteristic features include: part-tiled elevations, prominent front gables, traditional timber casement leaded-light windows and hooded entrance canopies. The use of good quality materials is consistent with the high standards of design and layout."

2. Site History

Reference: 17/5439/HSE

Address: 18 Village Road London N3 1TL

Decision: Approve subject to conditions

Decision Date: 20.12.2017

Description: Rear conservatory at upper ground floor level

3. Proposal

The application proposes an upper ground floor conservatory extension to be set above the existing timber decked patio area.

Due to the topography of the application site there are level differences whereby the garden level is set a lower level than the ground floor of the main building.

The proposed extension would measure 3.37 metres in depth from the main rear wall of the house adjacent to the side boundary with No. 18 Village Road and a maximum width of 4.32 metres. The height to the eaves would be 2.35 metres and 3.08 metres to the top of the pitched roof.

4. Public Consultation

A site notice was erected on the 9th November 2017 and a press notice was advertised on the 9th November 2017.

Consultation letters were sent to 2 neighbouring properties and no responses have been received.

Member request: It has been requested by a local Member that were the Council to refuse the application, it should be presented to the Planning Committee for determination.

Internal Consultation: Heritage Team: The conservatory would be harmful to the individual heritage asset and contrary to conservation guidelines.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the

subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

Regards for:

- Finchley Garden Village Conservation Area: Character Appraisal and Management Proposals (2013)
- Finchley Garden Village Conservation Area Conservation Area: Design Guidance (2013)

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, heritage assets and conservation area, and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Policy CS1 of Barnet's Core Strategy (2012) states that we will seek the highest standards of urban design in order to generate development proposals of landmark quality. Policy CS5 of the Core Strategy (2012) states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM01 of the adopted Development Management Documents DPD (2012) states that Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM06 of the adopted Development Management Documents DPD (2012) states that all heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Impact on character and appearance:

Finchley Garden Village Conservation Area includes Nos. 1 to 26 and 31 to 51 Village Road and Nos. 51 to 53 Cyprus Avenue.

The application falls within the designated conservation area. Policy DM06 seeks to ensure that development proposals preserve or enhance the character and appearance of the conservation area. Therefore, due to the application site falling within the designated conservation area, the proposals impact on the heritage asset, and setting of that heritage asset, should be considered.

Although the Character Appraisal (2013) notes the importance of views and vistas within the conservation area, it places particular emphasis on the views across the grassed open space, views above the rooftops of tree canopies, and glimpsed views between buildings. Therefore it is not considered to harm the view of the conservation area from this position. The extension would not be viewed from the street and therefore would have no adverse impact on the streetscene, public realm or open vistas at the front of the site and within the green.

However, when viewed from the rear of the site, the extension is considered not to be a subordinate addition to the property and would therefore detract from the appearance of the locally listed building and the character of the conservation area of which it forms a part. The extension would fill out the whole of the upper ground floor terrace, and extend out at the rear to be flush with the existing lower ground floor extension. Consequently it would give the impression when viewed from the rear garden of an overly large two storey rear extension that would obscure a disproportionate amount of the original rear wall of the locally listed property, and would appear bulky and out of scale, and the degree of glazing out of character.

The Finchley Garden Village Conservation Area Design Guidance makes it clear in section 4.1 that 'An extension can permanently alter the character and appearance of a property. There will be cases where carefully designed minor extensions can be allowed without harm to the individual house or its setting, however in some cases it may not be possible to extend at all.'

It further goes on to say 'Single storey rear extensions may be acceptable however the design and impact on neighbouring properties will be carefully assessed... Two storey extensions can significantly alter the character and appearance of a property and are therefore unlikely to be supported. The LPA consider that the proposal to build a conservatory on top of a single storey extension creates a two storey extension. Therefore in light that the guidance makes it clear that such development is unlikely to be supported (on the grounds of it being harmful) it must therefore ensue that such a proposal would also set a damaging precedence which would thus cause harm to the character and appearance of the conservation area, which the council have a duty to preserve and enhance. The harm is caused, regardless of whether it can be seen from the public realm or not.

The recently approved extension at 18 Village Road (planning reference 17/5439/HSE) is somewhat different. Here there is no substantive lower level, no basement, so the approved construction there is set at the lowest buildable level. The proposal here was also amended to reduce its mass and bulk.

For the above reason, it is considered that the proposed extension would harm the character and appearance of the locally listed property when viewed from the rear, and would not preserve the character and appearance of the conservation area. The drawings do not specify the material to be used for the frame of the conservatory. The base would be solid panels and the upperpart primarily glazing. Were the proposal to be approved it is recommended that the frame should be constructed of painted timber.

Impact on amenity of neighbouring occupiers:

Due to the size, siting and design of the extension it is not considered that it would materially impact on the light, privacy and outlook to the neighbouring property at 18 Village Road.

Paragraph 14.21 of the Residential Design Guidance SPD (2016) states that the depth of a ground floor rear extension normally deemed acceptable is 3.5 metres for a semi-detached property. The application proposes an upper ground floor rear extension of 3.37 metres in depth. As such, the proposal is compliant with the guidance at this level, adjacent to the boundary of No. 17 Village Road. No windows is proposed within the side elevation of the extension facing the side boundary with No. 18 and is set away from the side boundary with No. 16 by in excess of 5 metre and will not result in overlooking to the neighbouring properties.

For the reasons above it is considered that the proposed development would not impact the amenity of neighbouring occupiers to an unacceptable level, subject to conditions.

5.4 Response to Public Consultation

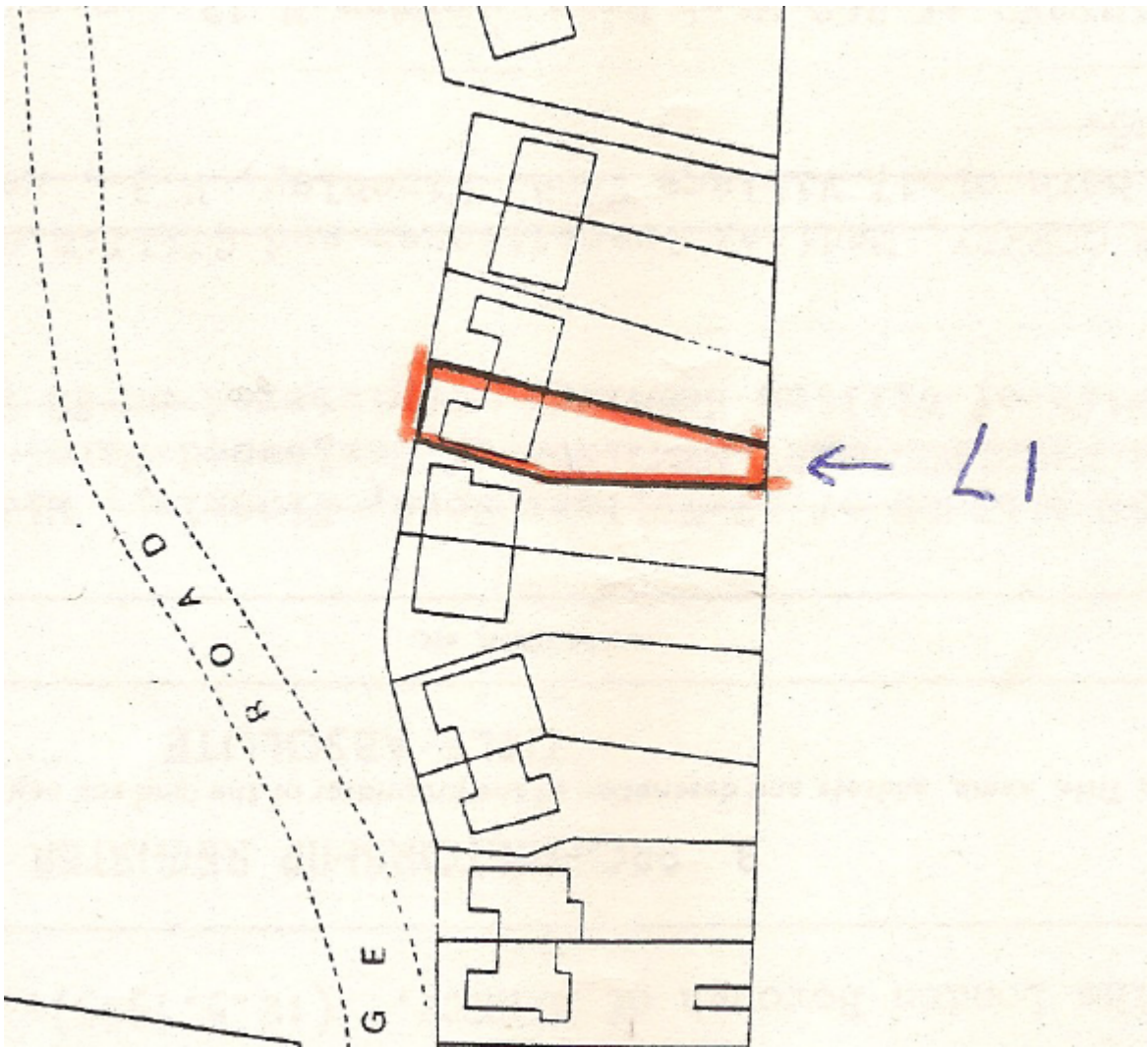
The design and amenity considerations are covered within the evaluation above.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the locally listed property and the Finchley Garden Village Conservation Area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for refusal.



Location 11 Theobalds Avenue London N12 8QG

Reference: 17/6412/HSE

Received: 10th October 2017

Accepted: 13th October 2017

Ward: Woodhouse

Expiry 8th December 2017

Applicant: Mrs Alison Cheung

Proposal: Single storey rear and side extension following demolition of existing rear extension

AGENDA ITEM 11

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - SPP_00
 - SPP_01
 - SPP_02
 - SPP_03
 - SPP_04
 - SPP_05
 - SPP_06

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

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

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

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

The item has been deferred to the 18th January 2018 committee meeting for Members to attend a site visit.

1. Site Description

The application site contains an end of terrace dwellinghouse located on the south side and eastern end of Theobalds Avenue, which is a predominantly residential area. The neighbouring property to the east is no. 23 Fredericks Place and the neighbouring property to the west is no. 10 Theobalds Avenue. The host property is not located within a conservation area, and is not listed.

The host property benefits from a two storey rear outrigger, with the main part of it measuring 3.5 metres in depth with the addition of a single storey rear extension at the end of it measuring 1.6 metres in depth. In its entirety, the outrigger measures 5.1 metres in depth. This single storey rear element will be demolished and replaced by the proposed side and rear extension.

Between the application site and the neighbouring property at no. 23 Fredericks Place there is an access way from the road to the rear of the garden of no. 21 Fredericks Place.

2. Site History

There is no relevant planning history relating to the application site.

No.9 Theobalds Avenue, which has been referred to in the Design and Access Statement and within objection comments, has received approval for a single storey side and rear extension under ref; 16/1397/HSE.

This approval was for the retention of single storey rear and side extension following reduction in height, retention of first floor rear extension. This approval was sought following an enforcement notice served to demolish the unlawful part single part two storey rear extension, dated 8th December 2014 under ref: ENF/01565/14/F.

3. Proposal

This application seeks planning permission for:

Single storey rear and side extension following demolition of existing rear extension.

This L-shaped extension would infill the gap between the rear outrigger and the boundary shared with no. 10 Theobalds Avenue and would wrap around the rear of the remaining two storey outrigger. The extension would measure 2.8 metres in depth from the remaining two storey outrigger and 6.5 metres in depth along the boundary shared with no. 10 Theobalds Avenue. The extension would measure 2 metres to the eaves from the ground floor level at the application site, and have a maximum height of 2.8 metres. The roof of the extension would be pitched away from the boundary with no. 10 Theobalds Avenue and would be flat to the rear of the outrigger.

A gap of 0.5 metres would be maintained between the flank wall of the extension and the boundary shared with the access way serving the rear of no. 21 Fredericks Place.

The proposal includes 3no. rooflights.

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties, 8 objections were received, along with one comment in support and one representation.

Objections are as follows:

- Concern that inspiration for the proposal has been taken from no.9 Theobald Avenue, which has received an enforcement notice in relation to the rear extension
- Loss of light and overshadowing to neighbouring kitchen, sitting room and study as well as part of the garden area
- Overbearing and visually obtrusive resulting in an unacceptable sense of enclosure.
- Lack of clarity in respect of demolition of existing rear extension
- Out of character
- Concerns over discrepancies between artists impression and proposed plans
- Concern in respect of boundary location and rights of way
- Concern over use of access between host property and no. 23 Frederick Place
- Will set an undesirable precedent for similar extensions in the area
- Too bulky and prominent compared to the size of the host property
- Overlooking and loss of privacy

Representation as follows:

- No objection to the proposal

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 (MALP)

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact on Street scene, Existing Building and Character of the Area:

Given the siting of the proposed side and rear extension, it would not be readily visible from the street and thus would not cause a detrimental impact to the character of the street scene.

Barnet's Residential Design Guidance; paragraph 14.21 sets out that single storey rear extensions on terraced properties should not exceed 3 metres in depth. Although the depth of the extension in its entirety being 6.5 metres and exceeding the guidance depth the proposal would line up with the existing rear wall of the neighbouring property at no.10 Theobalds Avenue and is considered to be appropriate in size, and thus would not appear visually obtrusive or overbearing.

The pitched roof of the extension would be sympathetic to the pitched roof of the outrigger. Moreover, the materials used in the construction of the extension would be similar to those used in the construction of the existing dwellinghouse. Therefore, the proposed extension, by virtue of its scale, siting and design, would be considered appropriate and sympathetic to the character of the host property and the surrounding area.

Therefore, the proposed side and rear extension is not considered to detract from neither the character of the host property or the locality.

Impact on Neighbouring Amenity:

The neighbouring property at no. 10 Theobalds Avenue to the west of the application site adjoins the host property and both form a part of a terrace. The neighbouring property also benefits from an outrigger and is set down at a slightly lower level. The proposed extension is proposed to be in line with the rear building line at no.10 Theobalds Avenue. Moreover, the roof of the extension would be pitched on the side of the neighbouring property with an eaves height of 2 metres, when measured from the application site, which does not exceed the height of the existing fence. Given that the extension would not extend beyond the rear wall of the neighbouring outrigger and that the eaves height of the extension would not exceed the height of the existing fence, it is not considered that the proposal would cause significant adverse impact to the amenity of the neighbouring residents at no. 10 Theobalds Avenue, in terms of loss of light or outlook, or appear overbearing when viewed from the neighbouring side.

The proposal includes 3no. rooflights at a height of 1.9 metres from the internal floor level facing the neighbouring property at no.10. The neighbouring property features one obscure glazed window to the side elevation which would face the proposed rooflights, therefore, given the siting of windows on the neighbouring property and the siting of the rooflights and the height at which the rooflights will be located, it is not considered that the privacy of either the neighbouring residents or the residents of the host property would be compromised, as there wouldn't be a visible view into or out from the rooflights.

The neighbouring property on the other side of the host property is no. 23 Frederick Place. The rear of this property is staggered and is sited in a way that the rear of the neighbouring property would be set back from the rear of the extension by a length of approximately 6 metres. Furthermore, the flank wall of the proposed extension would be set back from the neighbouring boundary by approximately 1.8 metres. Therefore, due to the spatial relationship between the host property and the neighbouring property, along with dense vegetation which lines the boundary between these properties, it is considered

that the proposal would not cause any significant impact to the amenity of these neighbouring residents, in terms of loss of light or outlook.

Taking all of the above into account, it is not considered that the proposed extension by virtue of its size and siting, would cause harmful impact to neighbouring amenity in terms of loss of light, outlook, privacy or appear overbearing.

5.4 Response to Public Consultation

-Concern that inspiration for the proposal has been taken from no.9 Theobald Avenue, which has received an enforcement notice in relation to the rear extension:

It has been noted that the rear extension at no.9 Theobald Avenue has been investigated by planning enforcement. Regardless of the current state of the extension at this site, the Design and Access Statements stated that the proposal at the host property will draw inspiration from the approved plans at no.9 Theobald Avenue under reference; 16/1397/HSE. The proposal at no. 11 Theobalds Avenue is similar in that the eaves of the side extension will be pitched away from the boundary. Ultimately, each application is assessed on its own merits.

-Loss of light and overshadowing to neighbouring kitchen, sitting room and study as well as part of the garden area:

Addressed in appraisal.

-Overbearing and visually obtrusive resulting in an unacceptable sense of enclosure:

Addressed in appraisal.

-Lack of clarity in respect of demolition of existing rear extension:

The existing property benefits from a previous rear extension to the rear of the outrigger. The proposal shows that this will be demolished and replaced by the proposed side and rear extension.

-Out of character:

Addressed in appraisal.

-Concerns over discrepancies between artists impression and proposed plans:

The placard attached to the front gate of the property does not relate to the proposal at the host property, but is rather an advertisement for the architects.

-Concern in respect of boundary location and rights of way:

Not a material planning consideration.

-Will set an undesirable precedent for similar extensions in the area:

Each application is assessed on its own merits.

-Too bulky and prominent compared to the size of the host property:

Addressed in appraisal

-Overlooking and loss of privacy:

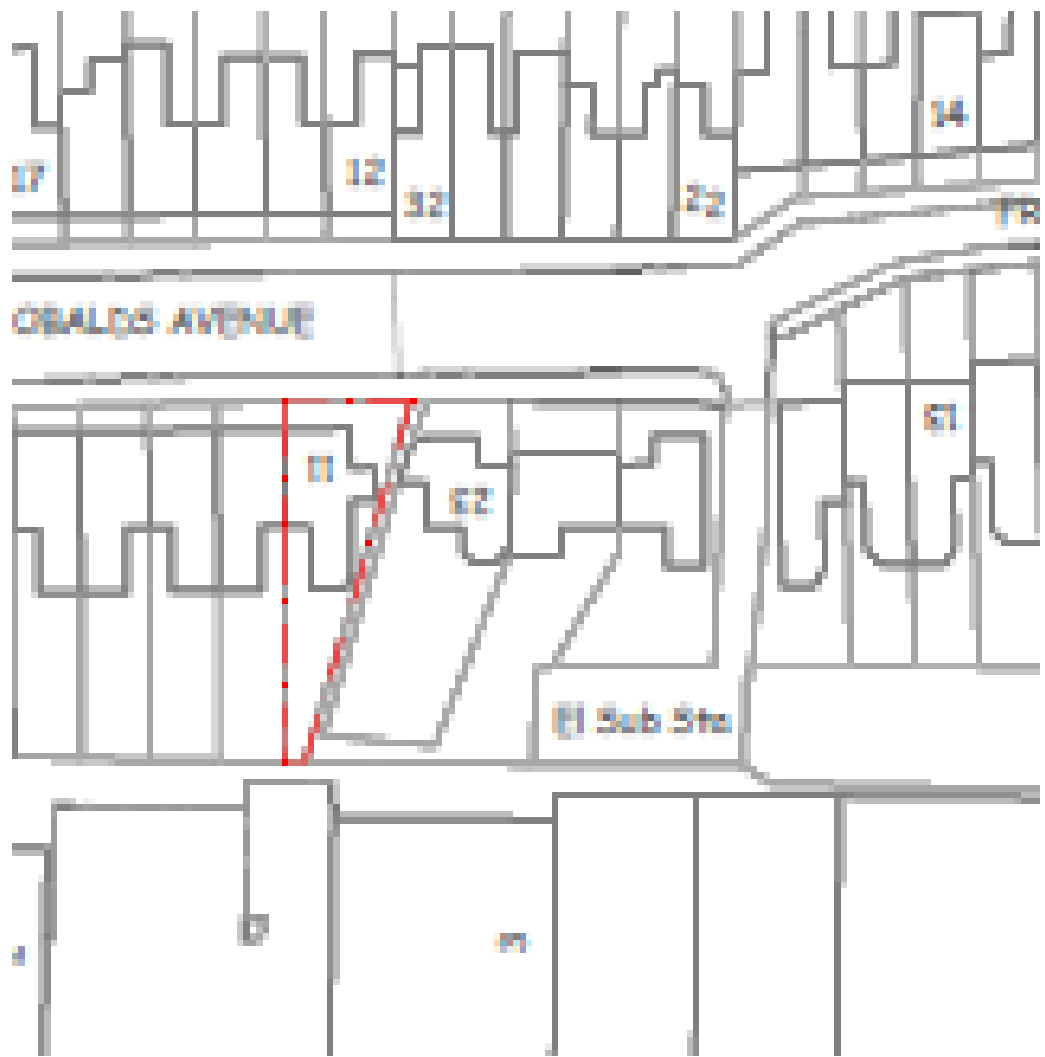
Addressed in appraisal.

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 extensions 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 a significant adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location 85-87 The Ridgeway London NW11 9RX

Reference: 17/5755/FUL

Received: 8th September 2017

Accepted: 16th October 2017

Ward: Childs Hill

Expiry 11th December 2017

Applicant: Jubilee Investments (The Ridgeway)

Proposal:

Construction of a two-storey building with rooms in roof space and basement level to provide 7no. self-contained flats, including associated lightwells to rear, refuse storage, amenity space and landscaping and provision of 4no. off-street parking spaces. (AMENDED REFERENCE NUMBER)

AGENDA ITEM 12

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement, Site Location Plan, amenity space calculations, drg.no.GA 201 D, drg.no.GA 202 D, drg.no.GA 203 C, drg.no.GA 204 C, drg.no.GA 206 B, drg.no.GA 208 B, drg.no.GA 209 B, drg.no.GA 210 B, drg.no.GA 211, drg.no.SE.01, drg.no.SE.03, drg.no.SE.04 and drg.no.SE.05.

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

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

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

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

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

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

4 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

5 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.

6 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.

7 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 (2015) and the 2016 Mayors Housing SPG.

- 8 Details of the standards to which the highway works relating to the crossovers of the public footpath serving the development are to be constructed shall be submitted to, and approved in writing by, the local planning authority. No proposed dwelling shall be occupied until the crossovers have been constructed in accordance with the approved details.

Reason: To ensure a safe form of development and to protect the amenities of the area, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 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.

- 11 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).

- 12 a) Before the development hereby permitted is first occupied, details of cycle parking 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).

- 13 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2016).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the north side of The Ridgeway opposite the junction with Ridge Hill, within the Childs Hill ward.

The application was originally a pair of semi-detached, two-storey residential dwelling houses no.85 and no.87 The Ridgeway. This application relates specifically to the construction at no.87 The Ridgeway.

The site holds no specific designation and is not located within a Conservation Area. The surrounding area is residential, characterised predominantly by detached and semidetached single family dwelling houses. Dwellings in the local area show considerable cohesion in age, architectural styling and features; the local area accordingly has a clearly identifiable established character.

2. Site History

Reference: 15/05841/FUL

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Approved subject to conditions

Decision Date: 12 November 2015

Description: Demolition of existing semi detached dwelling and existing garage to form 3no self contained dwellings with associated gardens and refuse space and parking. Creation of basement to lower level. Roof extension involving 3no rear dormer windows and 2no rooflights to front elevation

Reference: 16/2119/CON

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Approved

Decision Date: 16 May 2016

Description: Submission of details of condition 9 (Demolition and Construction Method Statement) 11 (Landscaping) 12 (Tree Protection Plan) pursuant to planning permission 15/05841/FUL dated 17/09/15

Reference: 16/3807/FUL

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Refused

Decision Date: 15 August 2016

Description: Demolition of existing buildings and erection of two-storey building with rooms in roof space to provide 4 no. self-contained flats, and 1 no. single family dwelling including associated off-street refuse storage, 6 no. off-street parking spaces and associated landscaping

Reference: 16/3941/S73

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Approved subject to conditions

Decision Date: 14 September 2016

Description: Variation of condition 18 (CO2 emissions) and variation of condition 1 (approved plans) of planning permission 15/05841/FUL dated 17/09/2015 for 'Demolition of existing semi detached dwelling and existing garage to form 3no self contained dwellings with associated gardens and refuse space and parking. Creation of basement to

lower level. Roof extension involving 3no rear dormer windows and 2no rooflights to front elevation.' Variation to include removal of basement level; alterations to approved dormers and addition of new dormer to no. 85 and an alternative facade treatment on the front elevation.

Reference: 16/7996/FUL

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Approved subject to conditions

Decision Date: 20 March 2017

Description: Demolition of existing properties and garage and erection of two storey buildings with rooms in roofspace and basement level with associated lightwell to provide 5no self-contained flats and 1no single family dwelling. Associated parking, refuse and recycling store, amenity space

Reference: 17/3254/CON

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Approved

Decision Date: 30 June 2017

Description: Submission of details of conditions 3 (Materials) 4 (Levels) 7 (Demolition and Construction Method Statement) 9 (Landscaping) 10 (Tree Protection) pursuant to planning permission 16/7996/FUL dated 20/03/17

Reference: 15/07835/FUL

Address: 85 The Ridgeway, London, NW11 9RX

Decision: Refused

Decision Date: 29 February 2016

Description: Demolition of the existing semi-detached properties and detached garage to be replaced by two-storey building with rooms in roof space to provide 5no. self-contained flats, and 1no. single family dwelling including associated off-street refuse storage, 6no. off-street parking spaces and associated landscaping

The above application was refused for the following two reasons:

1. The development, by reason of the introduction of self-contained flats, would fail to respect the established character of the area which comprises predominantly single family dwellinghouses, contrary to Policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2011 and 2013), Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

2. In the absence of a legal agreement to restrict future occupiers from obtaining residents parking permits, the development would result in additional pressures on on-street parking to the detriment of the free flow of traffic and highway safety, contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

The Planning Inspectorate has allowed the appeal for the following reasons;

Character and Appearance

12. The proposed development would appear as two purpose built semi-detached dwellings and a detached dwelling and would be of a similar size and scale to the surrounding properties. It would therefore be in keeping with the predominant character and appearance of the residential area and have no materially harmful effect. Furthermore, whilst the proposal would result in the demolition of two family dwellings, it would create

two 3 bedroom dwellings and one 5 bedroom dwelling, equating to an overall increase in the number of family dwellings in the area. As a result, it would contribute towards local housing needs as identified in the London Plan (adopted 2011 and 2013) (the London Plan) and the adopted Barnet Core Strategy 2012 (the Core Strategy).

Parking and highway safety

20. Consequently, I conclude that the potential increase in demand for on-street parking would be accommodated by the existing capacity in the area and would not be harmful to highway safety. Furthermore, I conclude that parking in the CPZ would not be so saturated as to result in any material additional pressures on on-street parking which would necessitate a restriction on parking permits for future occupiers. Therefore, the proposal would comply with Policy DM17 of the DMP. Amongst other matters, this policy seeks to ensure that residential development provides sufficient parking to meet its needs and does not have a significant detrimental effect on the safety of all road users.

3. Proposal

The current application seeks to amend the previous consent for the demolition of the existing semi-detached dwellings and unused detached garage (serving no 85) to be replaced by 5no. self-contained flats and a single family dwelling via appeal on the 10 November 2016 (appeal ref: APP/N5090/W/16/3151644) and the subsequent amendment to that permission (LPA ref: 16/7996/FUL dated March 2017).

The bulk and scale of the application is essentially the same externally as the appeal scheme with exception that the 5 bedroom single dwelling (no.85) has been completed in accordance with the previously granted permissions (refs:15/07835/FUL and 16/7996/FUL).

The current application seeks to amend part of the previous consent by replacing the two-storey building (no.87) with rooms in roof space and basement level to provide 7no. self-contained flats as opposed to 5no. self-contained flats, including associated lightwells to rear, refuse storage, amenity space and landscaping and provision of 4no. off-street parking spaces. It also includes changes to rear fenestration.

4. Public Consultation

43 consultation letters were sent to neighbouring properties.
9 responses have been received

The views of objectors can be summarised as follows;

- Impact on existing water supply
- Concerns regarding parking
- Out of character

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 Government's 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, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

- Principle of development
- Living conditions of future occupiers
- Highways (parking)

5.3 Assessment of proposals

Principle of development

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

Policy DM08 of the Council's Development Management, ensures a variety of sizes of new homes to meet housing needs. It outlines that three bedroom units are a priority within the borough, and four bedroom dwellings being the highest priority. In line with this policy the site offers a mix of one, two and three bedroom unit which will provide an appropriate mix of dwellings types and sizes homes to serve the growing need of homes within the borough.

The principle of the flat conversions has been established under reference 15/05841/FUL and reference 16/7996/FUL for the subdivision of the semi-detached pair into 5 units. Furthermore the decision made by the Appeal Inspector in regard to application reference 15/07835/FUL dated 29th February 2016, states "self-contained units would not be detrimental to the established character and appearance of the area, maintaining plot spacing's and featuring architectural styling's which reflects the local area". It is therefore considered that the principle of self-contained units in this location is acceptable.

The proposals would result in a somewhat increased density of development. The applicant has submitted a planning statement in support of the scheme, stating that the site is within an area of Public Transport Accessibility Level 3 and has a density of 61.5 units per hectare. However, It is recognised that compliance with the density matrix is dependent on the plot used (Whether the new dwelling at no.85 is included), and that the PTAL is close to an area of PTAL rating 1. Nevertheless, the site is located within 400m of Golders Green Town Centre, and the increase to habitable rooms from 20 to 23 across the site is relatively low. Therefore on balance it is not considered that the density of the development is excessive.

While the proposal to create 2no. additional self-contained units would result in additional footfall, it would be limited and is not considered to result in intensification of use or give rise to unacceptable noise disturbance to the detriment of the amenities of neighbouring properties to an unacceptable level and have an impact on the character of the area.

Amenity of neighbouring occupiers

Whilst externally the proposal includes extending the basement, its siting is such that it will not be visible and therefore it is not considered to have any impact on the amenities of neighbouring occupiers.

The proposal seeks to alter the internal layout of the property to accommodate two additional 1-bed flats within the approved envelope comprising 2 x 3bed; 3 x 2bed and 2 x 1bed units. The external size, scale, position and appearance is not altered from that already granted under reference reference 16/7996/FUL.

The proposals would result in an increase in the overall number of units on site from 5 to 7. This will result in some increased activity in terms of comings and goings and will result in some additional noise and disturbance. The proposed block has a centrally sited front door, and would largely make better use of existing approved floorspace. It is noted that the area is predominantly single family dwellings though there are some examples of more intensive development, e.g. Sandridge Court. On balance it is not considered that the proposals would result in harm to the residential amenities of neighbouring occupiers.

It is therefore considered that the proposed development is acceptable in terms of the impact the scale and appearance of the building will have on the amenity of neighbouring occupiers.

Extensions and additions

The basement was previously approved to have a depth of 12.5m. The proposal involves extending this basement to have an additional depth of approximately 6.7m. It will provide service rooms to accommodate the building's necessary plant and water equipment requirements and additional family space (games room).

The principle of providing basement accommodation as part of the development has already been established under reference 15/05841/FUL and reference 16/7996/FUL.

The proposed basement extension is considered to be an acceptable addition to the development; the basement would be sufficiently screened and would not be entirely visible ensuring no visual harm to the resultant flatted development or appearance of the area. Due to the siting of the basement within the site and moderate increase in terms of its appearance, it is not considered to give rise to any loss of amenity to neighbouring occupiers.

Overall the basement extension is considered to be acceptable.

Living conditions of future occupiers

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space for future occupiers.

The proposed development would provide the following accommodation and amenity space:

Internal floor areas

Flat 1 (2b4p) 141m²
Flat 2 (3b6p) 121.8m²
Flat 3 (2b4p) 114.5m²
Flat 4 (3b6p) 111m²
Flat 5 (2b4p) 111m²
Flat 6 (1b2p) 82.2m²
Flat 7 (1b2p) 82.2m²

Amenity space provision

The gardens for the flats, not including the paths and any front garden area are the following sizes:

Flat 1	6 m ² (basement terrace) and 297 m ² (communal)
Flat 2	69 m ² (private)
Flat 3	6 m ² (basement terrace) and 297 m ² (communal)
Flat 4	297 m ² (communal)
Flat 5	297 m ² (communal)

These dwellings would exceed the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 8 sq. Furthermore the proposed development meets the requirement that glazing to all habitable rooms should not normally be less than 20%.

Impact on Highway and Pedestrian Safety

The proposed development offers four spaces for the 7 flats.

The decision by the Appeal Inspector noted the following;

"I conclude that the potential increase in demand for on-street parking would be accommodated by the existing capacity in the area and would not be harmful to highway safety. Furthermore, I conclude that parking in the CPZ would not be so saturated as to result in any material additional pressures on on-street parking which would necessitate a restriction on parking permits for future occupiers. Therefore, the proposal would comply with Policy DM17 of the DMP. Amongst other matters, this policy seeks to ensure that residential development provides sufficient parking to meet its needs and does not have a significant detrimental effect on the safety of all road users."

Highways officers were consulted and according to them the development would require a parking provision of between 5 and 9.5 parking spaces. The site has a PTAL rating of 3 and is located within a controlled parking zone and therefore the proposed 4 parking spaces would result in a shortfall of parking spaces. Whilst it is noted that the proposal will now involve the creation of 2 additional flats, according to the appeal inspectorate there is sufficient on-street parking capacity to accommodate any additional parking pressure that may result from the proposal.

It is therefore considered that the proposed development is acceptable on Highways grounds.

It is noted that to enable the proposed arrangements, it would also involve alterations to the existing dropped kerbs, the creation of enlarged hard standings to the front of the site,

the potential removal of an existing street tree and lamp post as well as alterations to the existing Controlled Parking Zone by way of altering and removing one of the bays at the front of the application site.

5.4 Response to Public Consultation

The concerns raised are mainly addressed in the body of the text.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, highway safety, 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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Appeal Decision

Site visit made on 6 September 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 10 November 2016

Appeal Ref: APP/N5090/W/16/3151644

85 The Ridgeway, Golders Green, London NW11 9RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jubilee Investments (The Ridgeway) Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/07835/FUL, dated 21 December 2015, was refused by notice dated 29 February 2016.
 - The development proposed is demolition of the existing semi-detached properties and detached garage to be replaced by two-storey building with rooms in roof space to provide 5no. self-contained flats, and 1no. single family dwelling including associated off-street refuse storage, 6no. off-street parking spaces and associated landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing semi-detached properties and detached garage to be replaced by two-storey building with rooms in roof space to provide 5no. self-contained flats, and 1no. single family dwelling including associated off-street refuse storage, 6no. off-street parking spaces and associated landscaping at 85 The Ridgeway, Golders Green, London NW11 9RX in accordance with the terms of application Ref: 15/07835/FUL, dated 21 December 2015, and subject to the conditions set out in the schedule attached to this decision letter.

Procedural Matters

2. Development was underway at the time of my site visit due to the part implementation of planning approval Ref: 15/05841/FUL for one detached dwelling and two semi-detached dwellings on the site. The development was constructed up to first floor level and reflects the proposal before me in terms of the footprint of development. As a result, I was able to assess, in part, the effect of the proposed development on the locality based on my observations in terms of size, scale, character and appearance and I have assessed this appeal on that basis.
3. The applicant and appellant details were not clear in this case. Furthermore, there has been uncertainty on the matter due to different appeal documents identifying different parties as the appellant. Clarification was sought from both the Council and the agent and it has been confirmed that the applicant and appellant is Jubilee Investments (The Ridgeway) Ltd. Accordingly, my decision reflects this.

4. The original description of development on the application form included a basement level. However, I note in Paragraphs 3.2 and 6.4 of the appellant's Statement of Case that the basement excavation works previously approved have been omitted from this scheme. Furthermore, the approved plans for the proposal before me do not show a basement level of accommodation. As a result, the description of the proposed development in my decision reflects this.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area, with regard to the housing mix and associated refuse and recycling storage; and
 - parking and highway safety.

Reasons

Character and appearance

6. The appeal site is situated within a predominantly residential area which is mostly characterised by detached and semi-detached properties. These are of a similar age and architectural style which affords the area an identifiable and established character and appearance.
7. Whilst the area appears to mostly comprise single family dwellings, the appellant refers to a number of nearby properties where flatted development exists either by design or by conversion of existing dwellings. The appellant states that all properties referred to have been corroborated with current Council Tax records. However, the Council says that their records indicate that only one property has gained consent for use as self-contained units since the adoption of the relevant Policy DM01. I do not have the relevant records or evidence before me to clarify the position. Notwithstanding this, I am satisfied that the examples referred to by the appellant provide a reasonable assessment of the overall housing mix and character of the local area and note that the Council has not challenged the appellant's evidence.
8. In relation to the converted properties referred to, their external appearance does not materially differ from single family dwellings other than an increased hard standing area within the front garden in some cases for car parking. However, I note that several properties in the area which are indicated as being single family dwellings also have similar parking areas in the front garden in order to accommodate multiple vehicles.
9. I have considered concerns relating to the 'residential paraphernalia' which would be associated with the development in terms of the storage and screening of refuse and recycling containers and the impact these would have on the character and appearance of the area. From the submitted plans, the proposal provides adequate provision for the suitable storage and screening of such items. Therefore, I find that these would have no materially harmful effect on the streetscene. Moreover, the proposed arrangements in this scheme reflect those of the previously approved scheme (Ref: 15/05841/FUL).
10. Concern has been raised regarding the impact of the proposal in terms of the potential enlargement of an existing crossover of the public footpath and an additional crossover on nearby street trees, particularly the large Robinia tree.

I note that it is argued that the proposed development does not require the removal of any street trees. Notwithstanding this, the proposed development should be designed in such a way as to mitigate any significant impacts to these trees. Accordingly, I consider that such matters need to be suitably addressed by appropriately worded planning conditions.

11. The National Planning Policy Framework (the Framework) indicates that the character of an area consists of more than its physical appearance and includes how the area functions and contributes to local identity. There are several flatted developments in the locality which have no significant effect on the appearance of the area. These developments have not resulted in any notable external alteration to the properties and, in these cases, are hardly distinguishable from other single family dwellings. Furthermore, there is no substantive evidence before me to indicate that such developments have had any detrimental effect on the functionality or character of the area.
12. The proposed development would appear as two purpose built semi-detached dwellings and a detached dwelling and would be of a similar size and scale to the surrounding properties. It would therefore be in keeping with the predominant character and appearance of the residential area and have no materially harmful effect. Furthermore, whilst the proposal would result in the demolition of two family dwellings, it would create two 3 bedroom dwellings and one 5 bedroom dwelling, equating to an overall increase in the number of family dwellings in the area. As a result, it would contribute towards local housing needs as identified in the London Plan (adopted 2011 and 2013) (the London Plan) and the adopted Barnet Core Strategy 2012 (the Core Strategy).
13. Consequently, I conclude that the proposed development would respect the established character of the area and therefore would accord with Policies 3.5, 7.4 and 7.6 of the London Plan (adopted 2011 and 2013), Policies CS NPPF, CS1 and CS5 of the Core Strategy, Policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) (the DMP) and the Adopted Residential Design Guidance SPD (2013). Amongst other matters, these policies seek to ensure that development is based on an understanding of local characteristics and respects and enhances the character and appearance of the local area.

Parking and highway safety

14. Policy DM17 of the DMP sets out the maximum parking standards which apply to residential development. Furthermore, the Policy states that residential development may be acceptable with limited or no parking within a Controlled Parking Zone (CPZ), where it can be demonstrated that there is insufficient capacity with regard to on-street parking. It goes on to state that where this is the case, a legal agreement would be required to restrict future occupiers from obtaining on-street parking permits.
15. The proposal would increase the number of residential units on the site. As a result, this would potentially increase demand for on-street parking and have an adverse effect on the movement of traffic and highway safety. On-street parking is restricted in the locality with a resident permit scheme in operation. However, according to the parking sign plates in the street, these restrictions only appear to operate between 1100 and midday Monday to Friday. Whilst relatively limited in its restriction, such provision is commonplace in London boroughs and seeks to deter daily parking for commuters into central London.

Notwithstanding this, at the time of my site visit, in the mid-afternoon, I saw plenty of unrestricted on-street parking available in the area, albeit this can only ever be considered a snapshot of the prevailing circumstances.

16. A total of 6 parking spaces would serve the proposed development. Whilst the appellant argues that these arrangements were considered acceptable under a previously approved scheme, this appeal scheme would result in a larger number of self-contained dwellings. Therefore, it would be reasonable to consider that the proposal would be likely to generate more vehicle movements and increase demand for parking.
17. The Council has stated that four parking spaces for the five proposed flats would be unacceptable and that, in accordance with Policy DM17, a legal agreement would be required to restrict new occupiers from acquiring resident parking permits to mitigate any resultant overspill parking on-street. The appellant has provided a draft unilateral undertaking in evidence which, it is stated, would ensure that the development is parking permit free and would therefore not place any additional pressure on existing on-street parking in the area. However, this is not a signed legal agreement and therefore has little weight in my decision making.
18. Despite this, in my assessment, the proposed dwellings as described in Table 4 of the appellant's appeal statement, would provide sufficient off-street parking to meet the lower threshold of the maximum parking standards for residential development set out in Policy DM17. As a result, I am satisfied that the proposal would comply with the parking requirements of that Policy.
19. Turning to highway safety, it is reasonable to consider that the proposal would result in a small increase in vehicle movements in the area, particularly in relation to the use of crossovers when entering and exiting the appeal site. Furthermore, it is reasonable to consider that the loss of on-street parking due to the need for an additional crossover would result in a slight increase in demand for parking in the area and an increase in associated vehicle movements. Based on the evidence before me, I find that there would be sufficient on-street parking capacity in the area to accommodate a small increase in demand resulting from the proposed scheme. Furthermore, given the existing abundance of crossovers in the area serving properties on The Ridgeway and adjoining streets and associated vehicle movements, I find that the proposed development would have no material effect on highway safety.
20. Consequently, I conclude that the potential increase in demand for on-street parking would be accommodated by the existing capacity in the area and would not be harmful to highway safety. Furthermore, I conclude that parking in the CPZ would not be so saturated as to result in any material additional pressures on on-street parking which would necessitate a restriction on parking permits for future occupiers. Therefore, the proposal would comply with Policy DM17 of the DMP. Amongst other matters, this policy seeks to ensure that residential development provides sufficient parking to meet its needs and does not have a significant detrimental effect on the safety of all road users.

Other Matters

21. Concerns have been raised by other interested parties relating to matters not specifically addressed in the main issues, such as loss of light, overlooking of

neighbouring properties, landscaping, including the loss of a street tree, and the impact of a proposed basement on the foundations of nearby properties.

22. I note that this appeal scheme is similar to the approved scheme Ref: 15/05841/FUL in that the proposed buildings would be within the same footprint as those approved. The Council found that matters relating to loss of light, overlooking, and landscaping were not of any substantive concern as to warrant a reason for refusal of that scheme or could be overcome by planning conditions. From what I have seen and read, I have no reason to disagree with that assessment in relation to this scheme.
23. With regard to concerns relating to the impact of the proposed basement, the appeal scheme before me does not include a basement level. As a result, such concerns are no longer relevant in terms of this appeal proposal.

Conditions

24. I have had regard to the conditions that have been suggested by both of the main parties. Where necessary, and in the interests of conciseness and enforceability, I have altered or combined the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance (PPG).
25. As construction was underway on the site in relation to the similar approved scheme, the standard implementation condition is not necessary. I have included a condition specifying the approved plans (1) as this provides certainty. Conditions regarding the screening and enclosure of recycling and refuse storage containers (2) and landscaping and tree protection (3, 4, 5 and 6) are necessary and reasonable in the interests of character and appearance and the living conditions of future and neighbouring occupiers. Furthermore, a condition regarding highway works in relation to the existing and proposed crossovers (7) is necessary and reasonable in the interests of highway safety. It is also necessary and reasonable for a condition relating to obscure glazed windows (8) in the side facing elevations of the proposed flats in the interests of privacy for future occupiers.
26. The Written Ministerial Statement (WMS) of 25 March 2015 allows local planning authorities to apply Building Regulations Optional Requirements with regard to water efficiency, energy performance and accessibility and adaptability of dwellings, where relevant local planning policies are in place. I am satisfied that such policies are in place in this case. Therefore, I have imposed conditions relating to water consumption (9) and carbon dioxide emissions (10) in the interests of the sustainable development and with regard to the accessibility and adaptability of the proposed units (11), in the interest of the living conditions of future occupiers. Given the residential nature of the area, I have imposed a condition regarding the hours of demolition and construction (12) in the interests of the living conditions of nearby occupiers.
27. I have not imposed the suggested sound insulation condition as this is most appropriately dealt with through compliance with Building Regulations. Furthermore, the Framework advises that conditions should restrict national permitted development rights only where there is a clear justification to do so. I am not satisfied that the Council's suggested condition removing many householder rights is necessary in this case as no detailed explanation for it is given. Accordingly, I have not imposed such a condition.

Conclusion

28. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; Drawing No: S.01C; Drawing No: SE.01; Drawing No. SE.02; Drawing No: SE.03; Drawing No: SE.04; Drawing No: SE.05; Drawing No: GA.01C; Drawing No: GA.02C; Drawing No: GA.03C; Drawing No: GA.04B; Drawing No: GA.05B; Drawing No: GA.06B; Drawing No: GA.07B; Drawing No: GA.08C and Drawing No: SP.02B.
- 2) No development shall be occupied until details of enclosures and screening 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 have been submitted to, and approved in writing by, the local planning authority and shall be provided at the site in accordance with the approved details prior to the development being occupied.
- 3) No development shall be occupied until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include the size, species, planting, heights, densities and positions of any soft landscaping.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping required by Condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) A detailed scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall be submitted to, and approved in writing by, the local planning authority. No proposed dwelling shall be occupied until the scheme for the protection of the retained trees has been carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 6) The details submitted in accordance with Condition 5 above shall include:
 - i) a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
 - ii) a schedule in relation to every tree identified listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
 - any proposed pruning, felling or other work;

- iii) in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
 - all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced);
 - iv) areas of existing landscaping to be protected from construction operations and the method of protection.
- 7) Details of the standards to which the highway works relating to the crossovers of the public footpath serving the development are to be constructed shall be submitted to, and approved in writing by, the local planning authority. No proposed dwelling shall be occupied until the crossovers have been constructed in accordance with the approved details.
- 8) The development hereby permitted shall not be occupied until the proposed windows, excluding the rooflights, in the side elevations facing 83 and 89 The Ridgeway, in accordance with the approved Drawing No GA.06B, have been fitted with obscured glazing and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to, and approved in writing by, the local planning authority before the windows are installed and once installed the obscured glazing shall be retained as such thereafter.
- 9) The development hereby permitted shall not be occupied until they have all water supplied to them by mains water infrastructure 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 G2 of the Building Regulations (the Building Regulations Optional Requirement) to ensure that a maximum of 105 litres of water is consumed per person per day and a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such thereafter.
- 10) The development hereby permitted shall not be occupied until carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions (the Building Regulations Optional Requirement) 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 thereafter.
- 11) Notwithstanding the details shown in the approved plans, the development hereby permitted shall not be occupied until all the relevant criteria of Part M4(2) of Schedule 1 of the Building Regulations 2010 (the Building Regulations Optional Requirement) (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) have been complied with. The development shall be maintained as such thereafter.
- 12) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Public or Bank Holidays.

END OF SCHEDULE

Location 128 Mayfield Avenue London N12 9JE

Reference: 17/6600/FUL

Received: 18th October 2017

Accepted: 25th October 2017

Ward: Woodhouse

Expiry 20th December 2017

Applicant: Mr Constanti

Proposal: Erection of part single, part-two storey dwelling house with rooms in roof space and front porch with canopy to create new end of terrace dwellinghouse. Erection of a single storey rear extension following demolition of existing part single, part two storey rear and side extension and existing integral garage with an extension to roof including hip to gable end with 1 no rear dormer and 3 no rooflights to front elevation of existing dwellinghouse. Associated access and alterations to hard and soft landscaping including rear patio(amended description).

AGENDA ITEM 13

Recommendation: Approve subject to conditions

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

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

Proposed Site Plan Drawing No 00-001 Rev PP2
Proposed Block Plan Drawing No 00-101 Rev PP2
Proposed Ground Floor Plan Drawing No 00-201 Rev PP2
Proposed First Floor Plan Drawing No 00-201 Rev PP2
Proposed Front Elevation Drawing No 00-210 Rev PP2

Received 4 December 2017

Site Location Plan Drawing No 98-001 Rev PP1
Existing Side Elevation Drawing No 98-211 Rev PP1
Existing Section BB Drawing No 98-221 Rev PP1
Existing Section AA Drawing No 98-220 Rev PP1
Existing Roof Plan Drawing No 98-202 Rev PP1

Existing Rear Elevation Drawing No 98-212 Rev PP1
Existing Loft Plan Drawing No 98-202 Rev PP1
Existing Ground Floor Plan Drawing No 98-200 Rev PP1
Existing Front Elevation Drawing No 98-210 Rev PP1
Existing First Floor Plan Drawing No 98-201 Rev PP1

Received 18 October 2017

Tree Protection Plan
Arboricultural and Planning Integration Report
Received 11 December 2017

Proposed Rear Elevation Drawing No 00-212 Rev PP3
Proposed Loft Plan Drawing No 00-202 Rev PP3
Proposed Roof Plan Drawing No 00-203 Rev PP3
Proposed Section A-A Drawing No 00-220 Rev PP2
Proposed Side Elevation Drawing No 00-211 Rev PP2

Received 9 January 2018

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

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

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

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

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

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

- 4 The roof of the single storey rear element 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).

- 5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 6 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

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

- 7 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown in 00-201 submitted with the planning application shall be provided and the access to the parking spaces will be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management

and Logistics Plan submitted shall include, but not be limited to, the following information:

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

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

- 9 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.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02

of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 11 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement under Section 278 of the Highways Act with the Highways Authority, for works affecting public highway including modification existing accesses or creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

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

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

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

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

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

- 14 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 application 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 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).

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 applicant is advised that any alteration if required to the public highway (including pavement) will require prior consent of the local highways authority. You

may obtain an estimate for this work from Environment and Operations Directorate, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

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

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

- 4 The refuse bin collection point needs to be within 10m of the public highway.
- 5 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 6 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 payment under Mayoral CIL.

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

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

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

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

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

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

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.

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

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

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

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

Officer's Assessment

1. Site Description

The proposal site is an end of terrace property on the corner of Mayfield Avenue and Friary Road. The terrace property shares a party wall with No. 126 Mayfield Avenue, which is positioned on the application site's western flank. The street scene is characterised by terrace properties and semi-detached properties.

The proposal site occupies a plot which appears noticeably wider than that of the majority of other plots within the streetscene. The plot has a maximum width of 25 metres and it splays to the west. The terrace property on the proposal site benefits from a two storey side extension with a width of approximately 3.5 metres, a depth of 5.4 metres, an eaves height of 6 metres and a roof ridge height of 8.3 metres.

The terrace property on the proposal site has an existing single storey rear outrigger that is built up to the boundary with No. 126 Mayfield Avenue. It has a depth of 3 metres, a width of 3.8 metres and flat roof with a height of 3 metres and a parapet with a height of 3.25 metres.

The application site does not contain a listed building and nor is it located within a conservation area.

There is a TPO tree to the rear of the site.

2. Site History

Reference: N04399B

Address: 128 Mayfield Avenue London N12

Proposal: First floor side extension.

Decision: Approved subject to conditions

Decision Date: 27 July 1988

Reference: N04399A

Address: 128 Mayfield Avenue London N12

Proposal: Single storey rear extension

Decision: Approved subject to conditions

Decision Date: 10 July 1986

3. Proposal

The proposal is to demolish an existing two-storey side extension and rear extension at the property and construct a single storey rear extension and roof extension including rear dormer window to the existing dwelling at 128 Mayfield Avenue and erect a new 3 bedroom end of terrace dwelling. The new dwelling includes a rear dormer window with rooms in the roofspace.

The single storey rear extension to each dwelling will measure 3 metres in depth and is the full width of the dwelling. Due to the sloping nature of the site, the rear extension to the existing dwelling will be higher than the rear extension to the proposed new dwelling. The rear extension to the existing dwelling has a height of approximately 2.8 metres at the boundary with 126 with a flat roof. The height of the extension to the proposed dwelling is a maximum of 3.5 metres with a flat roof.

The rear dormers will each measure 2.3 metres in height, 3 metres in width and 2.7 metres in depth.

There is a patio proposed to the rear of the new dwellinghouse measuring 2 metres in depth, 6.9 metres in width with stairs to garden level at the side. The patio has a height of 0.7 metres.

The proposal includes alterations to hard and soft landscaping.

The single storey side extension was removed from the scheme after discussions with the case officer that this created too much bulk to the property and reduced the separation from the dwelling and boundary. The dormers have been reduced in height and width.

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties.

7 responses have been received, comprising 5 letters of objection and 2 letters of support.

The objections received can be summarised as follows:

- loss of outlook
- loss of privacy as a result of rooflights
- Loss of garden space
- duration of construction and noise and dust nuisance
- impact of additional parking pressure
- damage to adjoining terrace as a result of demolition work
- concern the additional house will be joined to the existing house and made into a larger unit or subdivided into flats
- does not fit with the streetscene and does not keep with the building lines of the area

The representations received can be summarised as follows:

- Development is in keeping with character of area
- the site needs tidying up
- the trees are protected

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the proposed development
- 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.
- Impact on trees

- Impact on parking
- Refuse and Recycling
- Sustainability

5.3 Assessment of proposals

Principle of the proposed development

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location. Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

Mayfield Avenue is characterised by two storey terrace properties and Friary Road is characterised by two storey terrace and two semi-detached properties. Due to its width and depth the proposal site is considered large enough to accommodate another terrace property. For these reasons the proposal for an additional dwelling at the site is considered acceptable in principle.

Impact on the Character of the Area

6.2 Policy DM01 seeks to protect and enhance Barnet's character to create high quality places.

The application site is a highly prominent location on the corner of Mayfield Avenue and Friary Road and it contains a large side and rear garden with several mature trees. This garden contributes to the green and spacious feel to the area. No. 71 Ravensdale Avenue is a site on the corner of Ravensdale Avenue and Friary Road with a large side and rear garden. An application for an additional dwellinghouse at No. 71 Ravensdale Avenue was dismissed at appeal on 04/11/2016 in part because the proposal would result in the loss of the side/rear garden to the detriment of the character of the area (Appeal Ref: APP/N5090/W/16/3156046). It is noted that a smaller dwelling from the appeal scheme has now been approved at 71 Ravensdale Avenue.

This proposal will remove an extension to the existing dwelling at 128 Mayfield Avenue and the proposed new dwelling will have a similar width to the existing terrace properties. The proposal originally included a single storey side extension to the side of the new dwelling. The side extension had been reduced to single storey from a two storey side extension following pre-application advice which advised to remove this element. Officers raised concerns that the single storey side extension reduced the setback of the dwelling from the boundary to only 3.5 metres and would result in the loss of the side/rear garden similar to the appeal scheme at 71 Ravensdale Avenue. The side extension has been removed from the scheme. The side elevation of the proposed dwellinghouse is a minimum of 6 metres from the boundary with Friary Road and this opens up to considerable wider towards the front of the site. This is compared to the existing building which is set back at a minimum distance of 10.6 metres from the boundary with Friary Road. The proposal maintains a significant garden area to the rear of the existing dwelling and a rear and side garden around the proposed dwelling. It is considered a dwelling of this size can be accommodated whilst retaining adequate garden space and screening.

The new dwelling has a footprint in line with the building line at the front and rear of the terrace. The width of the new dwelling is 6.9 metres and is of similar width to the other dwellings within the terrace. The new dwelling has been set down from the ridge of the existing roof at 128 Mayfield Avenue to continue the characteristic stepped roof ridge of the terrace.

Impact on the amenity of neighbouring occupiers

The existing dwellinghouse on the application site has an existing single storey rear outrigger with a depth of 3 metres and flat roof with a height of 3 metres and a parapet with a height of 3.25 metres. The proposal includes the erection of a single storey rear extension to the existing dwellinghouse property and the proposed dwellinghouse. The proposed extension has a height of 3 metres and a depth of 3 metres. Due to its size, height, and position, it is considered that the proposed rear extension would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight or a loss of outlook and nor would it have an overbearing impact on these properties.

The overlooking of neighbouring and adjoining properties from the windows on the proposed dwellinghouse from the windows on the proposed rear extension or from the proposed dormer extension on the host property, is considered to be no worse the overlooking from the existing windows on the host property.

The increase in the number of people occupying the site is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupying the application site.

Due to its size, height and position, the proposed dwellinghouse is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight or a loss of outlook and nor would it have an overbearing impact on these properties

Trees

The site contains a large pine tree in the rear of the site which has been recently included under a Tree Preservation Order (ref 17/TPO/023). The Council's Arboricultural Consultant has reviewed the application. In response to concerns raised by officers and the Arboricultural consultant, the applicant has provided further detail including a Tree Protection Plan and Method statement. The consultant has advised there is a slight risk that the Protected Pine Tree may dominate the garden over time however the removal of other non protected trees would reduce this impact to an acceptable level. A landscaping condition has been recommended to require details of additional planting to offset tree loss and soften development into the local area. Provided the tree protection measures and method statement are followed, the impact to trees on site is considered acceptable.

Impact on Parking

The proposal involves a new 3 bedroom dwelling unit. The proposal has demonstrated that 3 existing car parking spaces are to be retained.

For the proposed development a parking provision of between 2.5 to 3.5 parking spaces is required.

Highways have been consulted on this proposal and advised that the provision of 3 parking spaces is therefore in accordance with the parking standards as set out in the Barnet Local Plan Development Management Policy DM17 approved in September 2012. Highways also advised that the site is located in an area with a Public Transport Accessibility (PTAL) score of 1a which considered as poor accessibility. The site is located in an All Day Control Parking Zone (CPZ) which operated from Monday to Friday 9am to 5pm. The access to the parking spaces is to be via the existing dropped kerb.

Cycle parking is proposed in accordance with the London Plan Cycle Parking Standards. The details of the cycle storage enclosure will be required by condition.

Highways have recommended approval of the proposal subject to conditions and informatives which have been included.

Refuse and Recycling

The proposed plans show refuse storage to the side of the property screened by a garden fence. No details of the enclosure have been provided. A condition will be included to require final details of the refuse storage enclosure and collection arrangements. An Informative has been included to advise the applicant that refuse collection needs to be within 10m of public highway.

Sustainability and Accessibility

Conditions have been included to ensure the new dwelling will be built to reduce energy consumption and water usage. The new dwelling will also be expected to meet the requirements for accessible units under M4(2).

5.4 Response to Public Consultation

The concerns raised by the objections in regards to the character, scale and impact to neighbouring properties have been addressed in the main body of the report.

The concern raised regarding damage to the existing buildings is not a planning matter.

The application is based on the proposal for the existing dwelling and new dwelling to be used as two separate dwellinghouses. No permission has been given for the dwellings to be used as one unit or as flats and any change of use will require further planning permission and will be considered at that time.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

An objection has been received from a neighbouring resident who suffers from Occupational Asthma and is sensitive to dusts and pollutants which could be caused during the construction of the development.

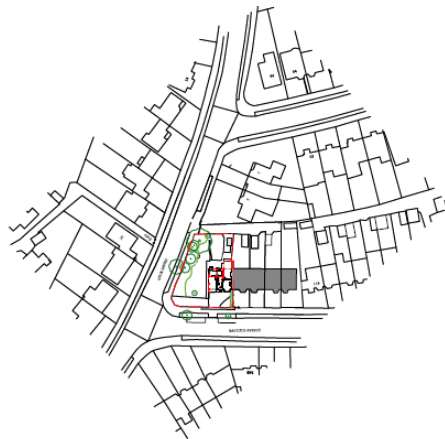
The impacts to the neighbouring residents as a result of the construction period can be mitigated through a condition restricting construction hours. This provides quiet periods at sensitive times of the day and limits the hours of construction use. A construction management plan is also required which will provide details on dust suppression.

With the conditions recommended the proposal is found to accord with development plan policies. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our 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.



Legend:	
	Site Boundary

01 Location Plan



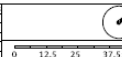
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Client

Address
128 Mayfield Avenue
London
N12 9JE

Drawing title
Location Plan

Project No	Date	Scale	Rev	Date	Revised For Issue	CHK
1703	Jan 2017	1:1250 @ A3				
998-001			Current Rev			
			PP1			



Note:
All dimensions are given by FAPA Architects and the client. All dimensions are to be followed of any discrepancies prior to construction. All dimensions are to be given in metric units. All dimensions are to be given in metric units. All dimensions are to be given in metric units. All dimensions are to be given in metric units.

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Location **Opp 18-22 The Market Place Falloden Way London NW11 6JJ**

Reference: **17/5651/FUL**

Received: 1st September 2017
Accepted: 5th September 2017

AGENDA ITEM 14

Ward: Garden Suburb

Expiry 31st October 2017

Applicant: Transport for London Rapid Charging

Proposal: Installation of a rapid charging point, and feeder pillar along footpath on Falloden Way and conversion of one parking bay to accommodate electric charging vehicle

Recommendation: Approve subject to conditions

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

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

Site Location Plan

Existing Site Plan: RC195-RSM-EXG-30-DR-TE-01-0001 Rev P00.1

Proposed Site Plan: RC195-RSM-PRD-30-DR-TE-01-0001 Rev P00.1

ESB-001-011-000 (Specifications)

ESB-101-011-000 (Rapid Charge Point)

S 9840 (Cabinet)

Supplementary Report TFL (November 2017) also containing Heritage Statement

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

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

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

- 3 a) The materials to be used for the proposal shall be as those mentioned within the Supplementary Statement (Nov 2017) and shown on the submitted drawings and specifications hereby approved by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition.

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

Officer's Assessment

1. Site Description

The application site is located on the Southern side of Market Place in Area 9 of the Hampstead Garden Suburb Conservation Area and Garden Suburb ward.

The adopted Conservation Area Character Appraisal notes;

'Market Place is a shopping area built on the flat land near to Mutton Brook. It has an east-west axis and extends eastwards to form Lyttelton Road. Behind the flats that line Lyttelton Road lies Lyttelton Playing Fields, 24 acres of open land with the remains of Watery Wood, an ancient woodland. Market Place itself marks the cross roads where Hill Rise to the north and Northway to the south meet the east-west route.

Market Place and Lyttelton Road formed part of Unwin's 1911-12 plan for the 'New Suburb' and survived later post war revisions. However, Lyttelton Road was never intended as a main road and its transformation into an arterial road as part of the Barnet bypass in 1926 -1928 and its designation as the A1 in 1983 irretrievably altered the character of the area. The first block of shops with flats above, which occupies the southwest corner of Market Place, was designed by J.C.S. Soutar and built in 1922. Development appears to have proceeded slowly by Suburb standards with the northwest block by Butler being constructed in 1928, the southeast corner in 1932 and the final corner by Marshall and Tweedy in 1933. Parallel shopping blocks followed on either side of the road between 1933 and 1936'.

The appraisal statements explains the intended purpose of the original development:

'Market Place was intended as a neighbourhood shopping centre serving the daily needs of the houses to the north and the south. The inclusion of a petrol station and garage here (recently demolished and redeveloped) indicated the new focus on the car and the expectation that this area would serve a prosperous middle class nearby'.

2. Site History

No relevant site history.

3. Proposal

Planning permission is sought for 'Installation of a rapid charging point (RCP), and feeder pillar along footpath on Falloden Way and conversion of one parking bay to accommodate electric charging vehicles'. The rapid charging point would manifest itself through the erection of a 1.89m high unit with a width of 0.61 metres and depth of 0.78 metres.

Furthermore, the proposal includes conversion of one disabled parking bay to accommodate electric charging vehicle. A disabled parking bay will be re-instated in that set of parking bays, directly in front of the proposed electric charging parking bay.

4. Public Consultation

88no. consultation letters were sent to neighbouring properties. 6no. objections were received and 1no. supporting letter.

A site notice was erected on 14.09,2017.

A press notice was published on 14.09.2017.

Internal/External Consultees

Hampstead Garden Suburb CAAC - Objections raised in relation to charging point being located within the conservation area and possible parking issues. A further objection was raised in relation to the use of the charging point exclusively for taxis only.

Highways Team - No objections raised as land is managed by TfL and does not come under the jurisdiction of the Local Authority Highways Team.

Transport for London (TfL) - No objections raised.

9no. responses have been received, comprising 8no. letters of objections and 1no. letter of support are as follows:

The objections received can be summarised as follows:

- Parking issues including inadequate parking for customers visiting the Market Place.
- Electric Charging Points unnecessary as customers visiting the Market Place are local residents and can charge their Electric Cars at home if need be.
- Objection to the full suspension of parking in the Market Place whilst works undertaken which should take place in off peak hours. Local trading may also be impacted.
- Loss of parking
- No users seek access to the Market Place by taxi and in any event very few cruising taxis pass along this suburban section of the A1.
- Concerns raised about the adverse effect of electric vehicle charging points to the public realm in a conservation area. The tall charging point would be detrimental to the appearance and usage of the footway in this Conservation area.
- Other locations away from the shopping area should be considered for the proposal.
- Little local taxi trade except for telephoned minicabs which certainly do not need to be parked in much used bays.

The letter of support states as follows:

- More charging points needed points in North London and there are many residents who have electric cars and will benefit
- The loss of combustion engine car parking spaces will not affect me. All the side roads are without restriction and in last 10 years there have been no issues with parking more than 100m from the businesses premises.

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. 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.

Specifically Policy 6.13 - Parking states that it should be ensured that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles. Furthermore, the London Plan has made a commitment to provide space for electric and car club vehicles, bicycles and parking for disabled people above the minimum thresholds.

Paragraph 6.46 states that The Mayor, through TfL, and working with the London boroughs, would like to expand and encourage the use of ultra low carbon vehicles including plug-in hybrids and electric vehicles.

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of

terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being

considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Approval is sought for 'Installation of a rapid charging point, and feeder pillar along footpath on Falloden Way and conversion of one parking bay to accommodate electric charging vehicles'. The initial application was amended during the application stage allowing for the use of the charging point by members of the public. The application is thus being assessed under the amended information which was re-consulted on.

Sustainability Issues

In relation to transport and sustainability, Policy 6.1 A subsection d advises that the London Plans strategic approach to transport and sustainability issues will be dealt with by promoting greater use of low carbon technology so that carbon dioxide and other contributors to global warming are reduced.

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

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

Due to the scale of the proposed development and the positioning of the RCP, it is not found that the rapid charging point would be detrimental to the character of the application site. It is noted that whilst no other examples of similar development exist in the surrounding vicinity that the scale of development would have a limited impact on the character of the surrounding area. Furthermore, following discussions with the agent, it was evident that the reason for the size of the charging point measuring 1.89m high unit with a width of 0.61 metres and depth of 0.78 metres was due to the fact that the RCP charges more rapidly than a standard electric car charging point. The submitted Supplementary Report advises that:

'The proposed electric charging points are unlike existing charging points as they will allow vehicles the possibility to recharge in as little as 20 minutes (as opposed to 3-7 hours with existing charge points). Due to this the units are larger than other slower chargers and need to be located in areas with the space to accommodate them'.

It is considered that the size, siting and design of the structure is such that would not adversely impact the streetscene to an unacceptable degree warranting a refusal of the scheme. It is further considered that in this case, the benefits of the proposed charging point to Barnet residents, business owners and the environment as a whole outweigh the detriment.

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

It will be 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.

With regards had to the RCP, it is noted that no further disturbance would be experienced by the neighbouring sites than with the parking provision already in place. As such, it is not found that the proposals would be detrimental to neighbouring amenity.

Travel impact and parking standards

Policy DM17 mandates that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The A41 Watford Way forms part of the Transport for London Road Network (TLRN) and therefore a TFL maintained road. Neither Barnet Highways officers nor TFL has raised any objections to the scheme.

Due to the parking provision already in place at the proposal site, it is not found that the proposal would be detrimental to travel or parking standards. In May 2009 the Mayor produced an Electric Vehicle Delivery Plan for London197 to promote a network of publicly available electric vehicle charging points across London.

Conclusion

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the surrounding buildings and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

5.4 Response to Public Consultation

Discussed within the main body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.



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Location O/s 51 And 53 The Market Place Falloden Way London NW11 6JT

Reference: 17/5633/FUL

Received: 1st September 2017

Accepted: 5th September 2017

Ward: Garden Suburb

Expiry 31st October 2017

Applicant: Transport for London Rapid Charging

Proposal: Installation of a rapid charging point, and feeder pillar along footpath on Falloden Way and conversion of one parking bay to accommodate electric charging vehicles

AGENDA ITEM 15

Recommendation: Approve subject to conditions

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

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

Site Location Plan

Existing Site Plan: RC194-RSM-EXG-30-DR-TE-02-0001 Rev P00.1

Proposed Site Plan RC194-RSM-PRD-30-DR-TE-02-0001

ESB-001-011-000 (Specifications)

ESB-101-011-000 (Rapid Charge Point)

S 9840 (Cabinet)

Supplementary Report TFL (November 2017) also containing Heritage Statement

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

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

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

- 3 a) The materials to be used for the proposal shall be as those mentioned within the Supplementary Statement (Nov 2017) and shown on the submitted drawings and specifications hereby approved by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition.

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

Officer's Assessment

1. Site Description

The application site is located on the Northern side of Market Place in Area 9 of the Hampstead Garden Suburb Conservation Area and Garden Suburb ward.

The adopted Conservation Area Character Appraisal notes;

'Market Place is a shopping area built on the flat land near to Mutton Brook. It has an east-west axis and extends eastwards to form Lyttelton Road. Behind the flats that line Lyttelton Road lies Lyttelton Playing Fields, 24 acres of open land with the remains of Watery Wood, an ancient woodland. Market Place itself marks the cross roads where Hill Rise to the north and Northway to the south meet the east-west route.

Market Place and Lyttelton Road formed part of Unwin's 1911-12 plan for the 'New Suburb' and survived later post war revisions. However, Lyttelton Road was never intended as a main road and its transformation into an arterial road as part of the Barnet bypass in 1926-1928 and its designation as the A1 in 1983 irretrievably altered the character of the area. The first block of shops with flats above, which occupies the southwest corner of Market Place, was designed by J.C.S. Soutar and built in 1922. Development appears to have proceeded slowly by Suburb standards with the northwest block by Butler being constructed in 1928, the southeast corner in 1932 and the final corner by Marshall and Tweedy in 1933. Parallel shopping blocks followed on either side of the road between 1933 and 1936'.

The appraisal statement explains the intended purpose of the original development:

'Market Place was intended as a neighbourhood shopping centre serving the daily needs of the houses to the north and the south. The inclusion of a petrol station and garage here (recently demolished and redeveloped) indicated the new focus on the car and the expectation that this area would serve a prosperous middle class nearby'.

2. Site History

No relevant site history.

3. Proposal

Planning permission is sought for 'Installation of a rapid charging point (RCP), and feeder pillar along footpath on Falloden Way and conversion of one parking bay to accommodate electric charging vehicles'. The rapid charging point would manifest itself through the erection of a 1.89m high unit with a width of 0.61 metres and depth of 0.78 metres.

Furthermore, the proposal includes conversion of one disabled parking bay to accommodate electric charging vehicle. A disabled parking bay will be re-instated in that set of parking bays, directly in front of the proposed electric charging parking bay.

It is noted that the application initially wished for the rapid charging point (RCP) to be used by electric taxis only. However, the applicants have changed the proposal so that the RCP can now be utilised by all electric car users. Neighbouring properties were re-consulted on this fact and the amended drawing referring to the use now being for all electric cars users.

4. Public Consultation

85no. consultation letters were sent to neighbouring properties. 8no. objections were received and 1no. supporting letter.

A site notice was erected on 14.09.2017.

A press notice was published on 14.09.2017.

Internal/External Consultees

Hampstead Garden Suburb CAAC - Objections raised in relation to charging point being located within the conservation area and possible parking issues. A further objection was raised in relation to the use of the charging point exclusively for taxis only.

Highways Team - No objections raised as land is managed by TfL and does not come under the jurisdiction of the Local Authority Highways Team.

Transport for London (TfL) - No objections raised.

9no. responses have been received, comprising 8no. letters of objections and 1no. letter of support are as follows:

The objections received can be summarised as follows:

- Parking issues including inadequate parking for customers visiting the Market Place.
- Electric Charging Points unnecessary as customers visiting the Market Place are local residents and can charge their Electric Cars at home if need be.
- Objection to the full suspension of parking in the Market Place whilst works undertaken which should take place in off peak hours. Local trading may also be impacted.
- Loss of parking
- No users seek access to the Market Place by taxi and in any event very few cruising taxis pass along this suburban section of the A1.
- Concerns raised about the adverse effect of electric vehicle charging points to the public realm in a conservation area. The tall charging point would be detrimental to the appearance and usage of the footway in this Conservation area.
- Other locations away from the shopping area should be considered for the proposal.
- Little local taxi trade except for telephoned minicabs which certainly do not need to be parked in much used bays.

The letter of support states as follows:

- More charging points needed points in North London and there are many residents who have electric cars and will benefit
- The loss of combustion engine car parking spaces will not affect me. All the side roads are without restriction and in last 10 years there have been no issues with parking more than 100m from the businesses premises.

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.

Specifically Policy 6.13 - Parking states that it should be ensured that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles. Furthermore, the London Plan has made a commitment to provide space for electric and car club vehicles, bicycles and parking for disabled people above the minimum thresholds.

Paragraph 6.46 states that The Mayor, through TfL, and working with the London boroughs, would like to expand and encourage the use of ultra low carbon vehicles including plug-in hybrids and electric vehicles.

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 and CS9.
- Relevant Development Management Policies: DM01, DM02, DMO6 and DM17.

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

Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows

with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Approval is sought for 'Installation of a rapid charging point, and feeder pillar along footpath on Fallosen Way and conversion of one parking bay to accommodate electric charging vehicles'. The initial application was amended during the application stage allowing for the use of the charging point by members of the public. The application is thus being assessed under the amended information which was re-consulted on.

Sustainability Issues

In relation to transport and sustainability, Policy 6.1 A subsection d advises that the London Plans strategic approach to transport and sustainability issues will be dealt with by promoting greater use of low carbon technology so that carbon dioxide and other contributors to global warming are reduced.

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

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

It is considered that due to the scale of the proposed development and the positioning of the RCP, it is not found that the rapid charging point would be detrimental to the character of the application site. It is noted that whilst no other examples of similar development exist in the surrounding vicinity that the scale of development would have a limited impact on the character of the surrounding area. Furthermore, following discussions with the agent, it was evident that the reason for the size of the charging point measuring 1.89m high unit with a width of 0.61 metres and depth of 0.78 metres was due to the fact that the RCP charges more rapidly than a standard electric car charging point. The submitted Supplementary Report advises that:

'The proposed electric charging points are unlike existing charging points as they will allow vehicles the possibility to recharge in as little as 20 minutes (as opposed to 3-7 hours with existing charge points). Due to this the units are larger than other slower chargers and need to be located in areas with the space to accommodate them'.

It is considered that the size, siting and design of the structure is such that would not adversely impact the streetscene to an unacceptable degree warranting a refusal of the scheme. It is further considered that in this case, the benefits of the proposed charging point to Barnet residents, business owners and the environment as a whole outweigh the detriment.

Furthermore, DM06 of the Development Management Policies requires that development within a conservation area should ensure that the proposals preserve or enhance the conservation area. There is little change to the physical set up of the immediate locale, apart from the requirement for the charging point and associated cabinet. The

development as proposed is not considered to be detrimental to the conservation area and would therefore not detract from the current streetscene to an unacceptable degree as to warrant a refusal.

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

It will be 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.

With regards had to the RCP, it is noted that no further disturbance would be experienced by the neighbouring sites than with the parking provision already in place. As such, it is not found that the proposals would be detrimental to neighbouring amenity.

Travel impact and parking standards

Policy DM17 mandates that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The A41 Watford Way forms part of the Transport for London Road Network (TLRN) and therefore a TFL maintained road. Neither Barnet Highways officers nor TFL has raised any objections to the scheme.

Due to the parking provision already in place at the proposal site, it is not found that the proposal would be detrimental to travel or parking standards. In May 2009 the Mayor produced an Electric Vehicle Delivery Plan for London to promote a network of publicly available electric vehicle charging points across London.

Conclusion

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the surrounding buildings and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

5.4 Response to Public Consultation

Discussed within the main body of the report.

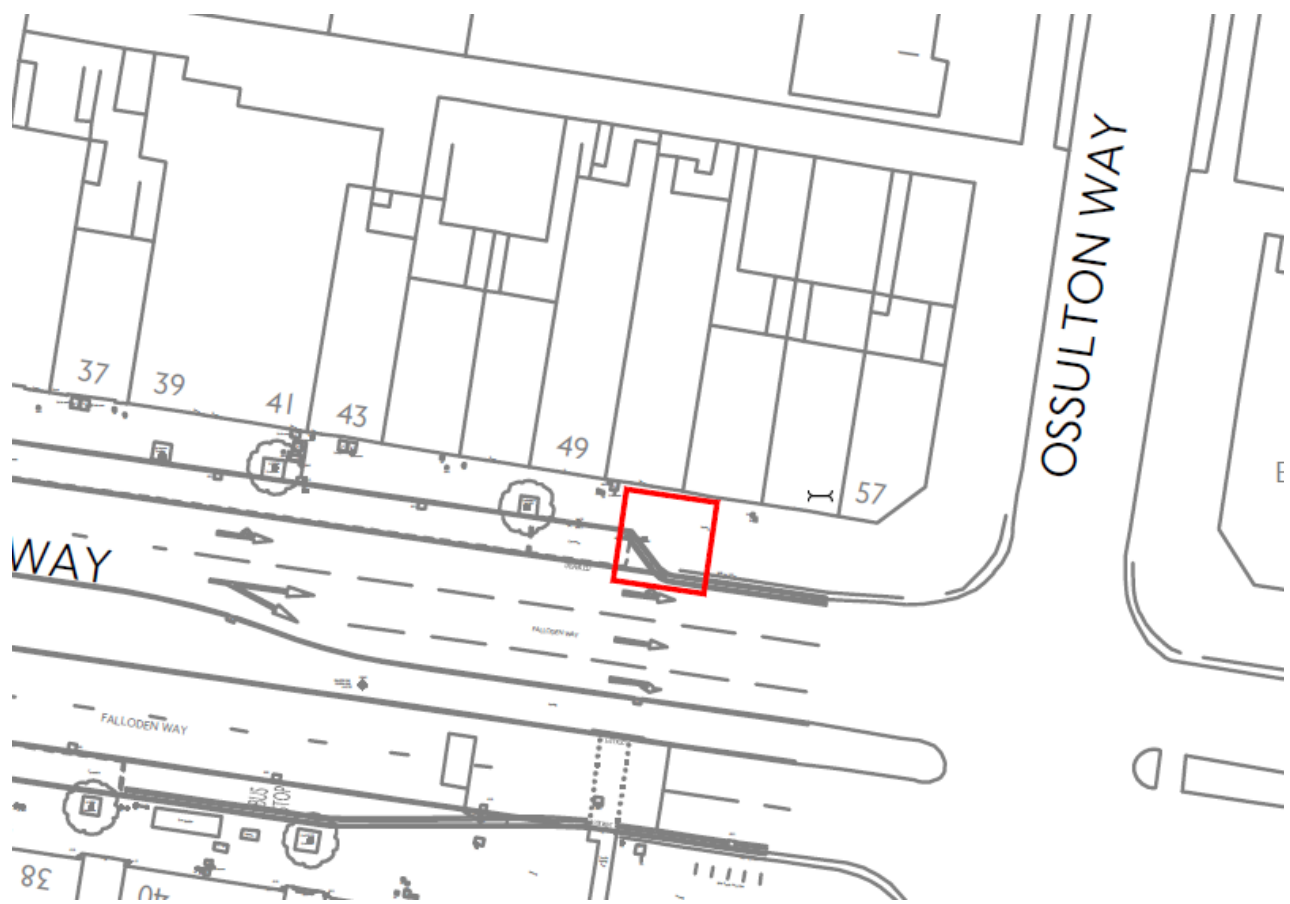
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as

conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.



Location **409A Long Lane London N2 8JN**

Reference: **17/3231/FUL**

Received: 18th May 2017

Accepted: 23rd May 2017

Ward: East Finchley

Expiry 18th July 2017

Applicant: Mr Ricky Kotecha

Proposal: Single storey rear extension following demolition of existing rear extension
and construction of replacement side boundary fence facing the junction with
Elmfield Road

AGENDA ITEM 16

Recommendation: Approve subject to conditions

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

- 1 1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PD17050 - EB: Existing Block and Site Location Plans
 - PD17050 - PB A: Proposed Block Plan
 - PD17050 - 01 C: Existing and Proposed Ground Floor Plan
 - PD17050 - 02: Existing Elevations
 - PD17050 - 03 D: Proposed Elevations
 - PD17050 - 04: Proposed Elevation without fence
 - Agents email dated 09/01/2018 confirming materials

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

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

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

- 3 The materials to be used in the external surfaces of the extension shall match those used in the main existing building as confirmed in the agents email dated 09.01.2018 and not the existing materials used for the existing extension/outbuilding.

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing No. 407 Long Lane.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing the junction with Elmfield 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 2016).

- 7 Before the extension hereby permitted is first occupied the proposed side boundary fence at the side elevation facing the junction with Elmfield Road shall be erected as the approved drawing no. PD17050 - 03 D and shall be permanently retained as such thereafter.

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 2016).

- 8 The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

Officer's Assessment

1. Site Description

This application refers to a southwest facing a ground floor flat within a two-storey, end-of-terrace building sited on the corner of Long Lane and Elmfield Road, East Finchley. The host dwelling is adjoined by Flat A with a shared yard to the rear. The flat has an existing two-part, flat roofed, two-storey rear extension.

The half of the extension nearest the dwelling is constructed from brick, while the rear half is a prefabricated outbuilding used for storage.

The site falls within a predominantly residential area and is not listed nor falls within a conservation area.

It is noted that the Enforcement Case reference ENF/01510/13/F for the construction of the outbuilding was closed on 27.11.2013. The Enforcement officer at that time noted that at the time of the inspection, the rear outbuilding had been connected to the approved extension. However, the case was subsequently closed as they considered it not expedient to issue a notice as they considered that it would likely obtain planning permission. It is further considered that due to the passage of time, the existing structure is lawful.

2. Site History

Ref No: F/03800/11

Description: Conversion of ground floor shop into 1 self-contained flat with associated internal alterations and external alterations to front and side elevations.

Decision: Approved Subject to Conditions 22 November 2011.

Ref No: C05718E/01

Description: Retention of rear dormer window forming additional loft space.

Decision: Permitted 24 Dec 2001

3. Proposal

This application seeks full planning permission for the demolition of the existing single storey rear extension (storage area) and the erection of a replacement single storey rear extension of a smaller size.

The proposed extension would be 3.1m wide, projecting towards the rear boundary for 3.3m facing the side boundary with Flat A and 4.5m facing the junction Elmfield Road, squaring off to the rear.

The extension would measure 2.9m above the natural ground level. The replacement extension would be constructed of brick with a door and adjoining glazing panel in the side elevation facing Flat A and with 2no. windows in the rear elevation.

The side elevation would be set away from no. 407 Long Lane by 3m and the proposed rear elevation would be set away from the neighbouring side boundary with no. 2 Elmfield Road by at least 1.9m.

The proposed extension would accommodate a living room and storage room.

It is noted that the applicant has stated that they own both of the ground floor flats.

4. Public Consultation

Consultation letters were sent to 13no neighbouring properties and 8 no. letters of objection has been received based on the following grounds:

Initial comments:

- Impact on outlook visual amenity and character
- Fails to respect the size, height or scale of the surrounding buildings or streets.
- Impact on the foundations of the neighbouring property.
- Issues in relation to access for the neighbouring property to render their gable elevation (contrary to Access to neighbouring land Act 2002).
- Previous enforcement breaches at the site.
- Previous works not completed to a satisfactory standard.
- Works to shed inadequate and internal floor level appears to have been raised to match the floor level of the flat resulting in raised roof line.
- Works may not comply with building regulations.
- Rear structure may be currently used as habitable space.
- Overdevelopment of the site.
- Parking issues.

Comments following neighbour re-consultation on amended drawings were received from some of the previously consulted objectors:

- Amended proposed extension still falls short of the high quality design required by Policy DM01.
- Disproportionate intensification that fails to respect the appearance, size, height and scale of surrounding buildings.
- Loss of outlook for adjoining occupiers
- Extension too high.
- No evidence that planning permission has been sought or granted for existing work.
- Amended drawings unclear and lacks detail
- No floor plan.
- Current windows project onto the immediately adjoining pavement and open at face/head height and as such are a serious hazard to passers-by.
- Issues with existing poor quality extension.
- Prior history of contravening planning policy (reference ENF/00226/13/F)
- Previous objection still stands
- Issues with internal floor level being raised hence the correspondingly raised roof line.
- Parking issues.
- Property is in multi-occupancy.
- Proposal endorsed to demolish the existing concrete wall and storage shed but extension shouldn't be higher than the top of this wall.
- Foundation issues
- Issues with legal right of access
- Issues with existing built works at proposal property.

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 March 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 (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.

Policy CS NPPF seeks to ensure that planning decisions are carried out in line with the main focus of the NPPF, namely sustainable economic development and collaborative working.

Policy CS1 sets out Barnet Council's strategy to concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development, creating a quality environment that will have positive economic impacts on the deprived neighbourhoods that surround them.

Policy CS5 seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 seeks to protect character and amenity by ensuring that development is meets a high standard of design reflecting local distinctiveness. The policy further seeks to ensure that proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the

subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that proposed extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 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 surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals.

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

An Enforcement Case reference ENF/01510/13/F for the construction of the outbuilding was closed on 27.11.2013. The Enforcement officer noted that at the time of the inspection, the rear outbuilding had been connected to the approved extension. However, the case was subsequently closed as they considered it not expedient to issue an Enforcement notice given in their view it was likely to obtain planning permission. It is further considered that due to the passage of time, the existing structure is lawful.

The proposed extension would replace the existing extension. The proposed extension would be smaller and more subordinate in size including its depth. It is acknowledged that the proposed extension is marginally wider however the proposal would be lower in height and projection than the existing extension.

The materials of the proposed extension would match the main dwelling and would therefore be an improvement in the appearance of the rear extension compared with the existing. The existing as a lawful structure is a material consideration.

It is acknowledged that objections have been received on the basis that the size, height and scale of the proposed rear extension would not be in keeping with the surrounding area. Given the modest difference in size between the proposed and the existing rear extension, it is not deemed to be reasonable grounds for refusal. Furthermore, it is

considered that the extension would be a marked improvement on the existing rear element and would therefore have a more acceptable impact on the immediate locale. A condition would be added into the approval for the proposed materials to match the main dwelling allowing for continuity and an acceptable impact on the character of the immediate locale.

Having regard to the above, the proposal is deemed to comply with policies CS NPPF and CS5 of the Local Plan Core Strategy (2012), Policy DM01 of the Local Plan Development Management Policies (2012) and The Residential Design Guidance SPD (2016).

Whether there would be an acceptable level of amenity for the future occupiers

The Sustainable Construction SPD reflects The Mayor's London Plan and sets out the minimum required amount of floor space, living room size and the amount of amenity space required providing an acceptable level of amenity for proposed dwellings.

The proposed living room would be served by sufficient daylight for a habitable room due to the window in the southwest elevation and the bedroom meets sufficient floor space for the existing one person bedroom flat.

Whilst it is considered that the rear amenity space is not extensive, the current proposal would allow for a larger rear shared amenity space which would increase from 15m² to 22m². Therefore this element of the proposal is more acceptable for current and future occupiers.

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

It is noted that objections have been received on the grounds of the impact the proposal would have on the outlook of the neighbouring dwellings. The proposed extension would have a lesser rearward projection from the rear building line than the existing rear element, and would be erected lower in height than the existing extension. The existing structure is built up to the side boundary with no. 2 Elmfield Road. However, the proposed extension would be set away from this boundary by 1.9m. As such the proposal would not have a further impact on no. 2 Elmfield Road to the north.

Furthermore, the decrease in size of the proposed extension would allow for a more acceptable impact on the glazed doors in the rear elevation of the flat at no. 409. Therefore, no further adverse impact on the light and outlook of the neighbouring properties is envisaged and therefore this element of the extension would not warrant refusal of the application. This element would also in turn have an acceptable impact on no. 407 Long Lane due to the size, siting, design and distance away from this side boundary by in excess of 3m.

There are no windows in the flank (northwest) elevation and as such the proposal would not impact on the privacy of the neighbouring properties on Elmfield Road.

Having regard to the above, the proposal is deemed to comply with policy DM01 of the Barnet Local Plan Development Management Policies (2012) and is recommended for Approval, subject to conditions.

5.4 Response to Public Consultation

Eight objectors have submitted objections. Issues regarding outlook and character and appearance have been addressed earlier within this report.

An objection has been raised on the right of access and the Access to Neighbouring Land Act 1992. This act is civil law and not relevant to the planning application, as such it would be unreasonable ground to refuse the application on this basis.

An objection was raised in relation to the use of the shed as habitable rooms. It was evident from the site visit that the shed was used for storage purposes.

In relation to objection of Enforcement Issues, including Construction of an Outbuilding under enforcement case reference ENF/00226/13/F, planning enforcement records show that all cases have been closed.

A further objection has been raised stating the proposed extension may affect the foundations of a neighbouring property and also the compliance of the extension with Building Regulations. The impacts on foundations and issues in relation to Building Regulations are not the responsibility of the planning department and are therefore not reasonable grounds for refusal. Once again some of the issues are private and civil matters to be resolved between the applicant and the neighbours but all fall outside the remit of the Planning Department.

Windows within the side elevation facing Elmfield Road do not form part of the proposal. No windows are proposed within the replacement extension.

Lastly, objections have been raised in relation to works which have been carried out historically at the property, which do not form a part of the current proposal.

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 the compliance of the attached conditions the proposed extension rear extension would have an acceptable impact on the character and appearance of the area and the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location **8B Accommodation Road London NW11 8ED**

Reference: **17/6970/S73**

Received: 2nd November 2017

AGENDA ITEM 17

Accepted: 2nd November 2017

Ward: Childs Hill

Expiry 28th December 2017

Applicant: Majid

Proposal: Variation of condition 4 (Rooflights) pursuant to planning permission 16/5860/FUL dated 20/03/2017 for `Retention of 2no. rooflights located at rear of property and additional 2no. proposed rooflights to the front.` Variation include change of rooflight to frosted and fixed opening

Recommendation: Approve subject to conditions

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

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

Location Plan
Received 4 January 2018

Existing and Proposed Elevations Drawing No 815/AR/02 Rev C
Existing and Proposed Loft Plans Drawing No 815/AR/01 Rev C
Received 9 January 2018

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 Notwithstanding the details shown on the hereby approved drawings, the PROPOSED rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof. The rooflights shall be obscure glazed and fitted with a restricted stay of no more than 100mm.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 4 The units hereby granted permission shall be removed, within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:-
 - i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fitted with a restricted stay of no more than 100mm. The rooflights to the front shall be obscure glazed and fixed shut.
 - ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is located on the southern side of Accommodation Road, within Golders Green Town Centre conservation area.

The property is located on Accommodation road which is an access/service road. The application site is A1 office use. Accommodation Road currently consists of a row of terraced offices and some residential buildings.

The rear rooflights are already in place and this follows investigation by the enforcement team.

Rooflights are a common feature on this stretch of road to the front and rear of the building.

This building is not statutory listed or not locally listed.

2. Site History

Reference: 16/5860/FUL

Address: 8B Accommodation Road London NW118ED

Decision: AC - Approved subject to conditions

Decision Date: 20.03.2017

Description: Retention of 2no. rooflights located at rear of property and additional 2no. proposed rooflights to the front

Reference: C02199H

Address: 8B Accommodation Road London NW11

Decision: AC - Approved subject to conditions

Decision Date: 10 May 1999

Description: Change of use of building from educational to office purposes to Class B1 - financial and professional services (accountancy offices).

3. Proposal

This application proposes to vary condition 4 (rooflights) of the planning permission 16/5860/FUL dated 20/03/17 which was approved for the retention of 2 rooflights at the rear of the property and 2 rooflights to the front elevation. The proposal is to allow for the rear rooflights to be opened.

Condition 4 of the permission states:

The units hereby granted permission shall be removed, within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:-

i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fixed shut.

ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The proposal is to vary this condition to require the rear velux windows to be obscurely glazed with a fixed opening of 100mm.

An amended plan has been provided to clarify which windows are to be openable.

4. Public Consultation

Consultation letters were sent to 166 neighbouring properties.

14 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- o If these windows are allowed to open they will look directly onto the gardens of Woodstock Road. This will result in a loss of privacy and amenity for neighbouring residents.

- o This condition has been required to protect the amenity of neighbouring occupiers from noise and overlooking.

- o Houses are very close to these windows and will be overlooked.

- o These windows were built without permission in the first place and the owner should be penalised.

- o The applicant wants to open the windows because the room gets too hot but less glazing would make the property not get so hot.

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

Golders Green Conservation Area Appraisal

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 and the Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the existing building, the street scene and the conservation area.

The Golders Green Town Centre Conservation area appraisal states "The urban character of Finchley Road and the crossroads contrasts dramatically with the quieter, intimate feel of the rear service roads, Accommodation Road and Golders Way."

The rooflights to the front and the rear have been approved in an earlier application 16/5860/FUL. This application does not involve any change to the size or positioning of the rooflights. This application seeks to vary the condition requiring the rooflights to be fixed shut in order to allow the two rear rooflights to be opened to 100mm to allow fresh air. The opening of the rear rooflights to 100mm is not considered to harm the character of the host property or The Golders Green Town Centre Conservation Area.

Due to the position the proposed rooflights are not immediately visible on street level. Policy DM06 requires development proposal to preserve or enhance the character and appearance of conservation areas. The proposed development is not considered to result in significant detriment of the character and appearance of the existing building or the street scene. It would preserve the character of the Conservation Area.

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

The rear roof of Accommodation Road forms part of the rear garden wall of the residential properties on Woodstock Road. As a guide (although not strictly applicable to office uses), The Town and Country Planning (General Permitted Development) (England) Order 2015 states rooflights should be: "non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed"

The rear rooflights measure 1.75metres from the floor level to the frame. It is recognised that an application for removal of a condition restricting the opening of rooflights at no.7 Accommodation Road was refused. This application also related to works to extend the roof of this property. A condition was attached to ensure windows were not openable other than a fanlight opening and the inspector dismissed an appeal removing this condition. In the appeal decision at no.7 the inspector noted that 'The second floor offices are within the roof and the rooflights are at a height where they could afford views into the houses and gardens of properties to the rear from workers sitting or standing in the room.'

However after officers visited the site, it is clear to see the windows at 7 Accommodation Road are at a significantly lower height than the host property. At the host property the rear windows are above 1.7 metres from floor level which is the height generally considered adequate to prevent overlooking. However, in approving the rear rooflights, a condition was made to require the rooflights, including those in the rear, to be obscurely glazed. The obscure glazing was considered to address the potential for overlooking to arise given the relationship between the rooflights and neighbouring gardens. This proposal would not remove the obscure glazing but would allow the rear rooflights to be opened 100mm to allow for ventilation.

The initial application 16/5860/FUL was decided by Committee. The officers recommendation was to approve the development with a condition that the rooflights but must be obscurely glazed with a restricted opening. The restriction on the rooflights to be fixed shut was added by the Committee in their final approval of the application.

It is therefore considered that the proposals would not result to the living conditions of neighbouring occupiers.

The proposed wording for the condition is:

The units hereby granted permission shall be removed, within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:-

i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fitted with a restricted stay of no more than 100mm. The rooflights to the front shall be obscure glazed and fixed shut.

ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The condition has been reworded to ensure the rooflights are obscurely glazed with a restricted opening for the rear rooflights and fixed shut for the front rooflights.

5.4 Response to Public Consultation

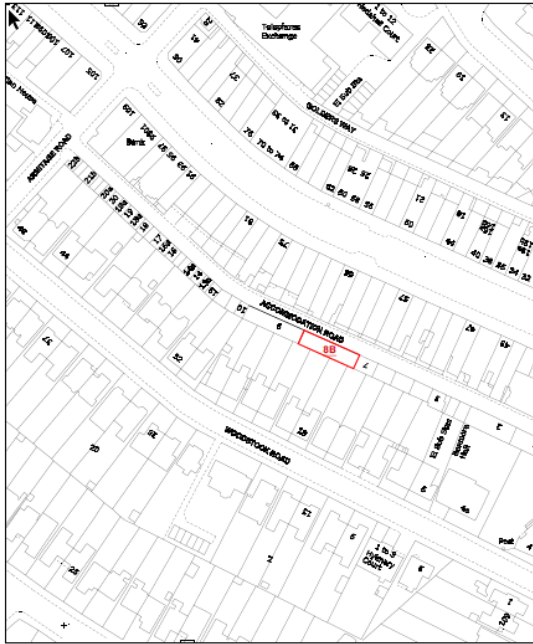
Addressed in the report.

6. Equality and Diversity Issues

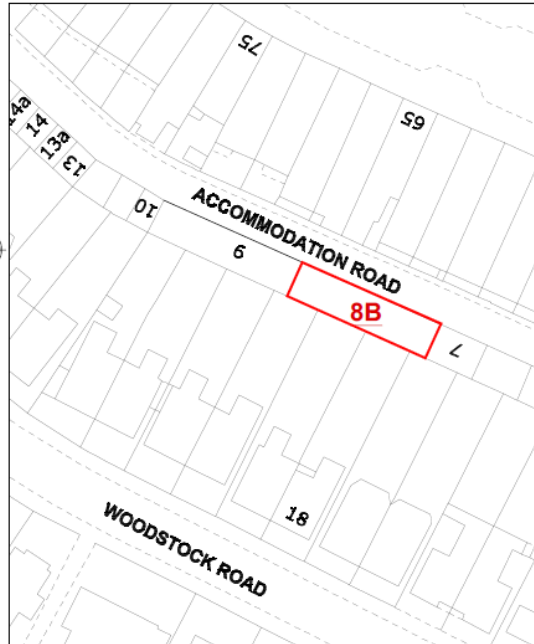
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

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




LOCATION PLAN 1:1250



BLOCK PLAN 1:500

Client	8B Accommodation Road, London, SW11 8ND	Scale	1:500 1:1250	Date	Sept. 2016	H Solaimani 5 Roland Gardens London, SW7 3PK Tel: 020 7770 0376 Mobile: 07933 521154 Email: h7866@btinternet.com
Drawn by		Checked by		Drawn by		
Approved by		Approved by		Approved by		
Title	Location and Block plans		Drawing No.	815/AR/03		

	<p>Finchley and Golders Green Planning Committee</p> <p>18th January 2018</p>
<p>Title</p>	<p>Planning Enforcement Quarterly Update October 2017 to December 2017</p>
<p>Report of</p>	<p>Head of Development Management</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>None</p>
<p>Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Chipp

Summary

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

Recommendation

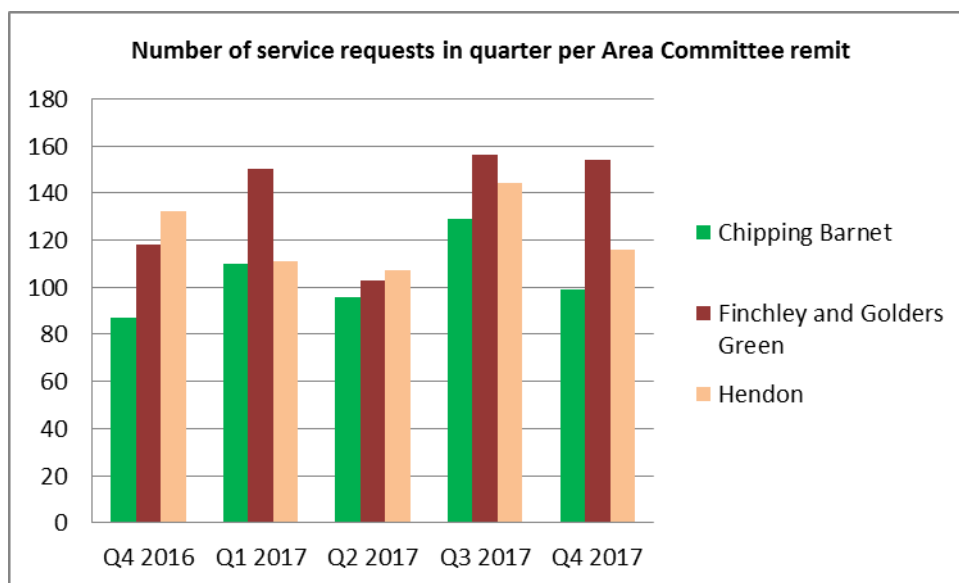
1. That the Committee note the Planning Enforcement Quarterly Update for the period of October 2017 to December 2017.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issues which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of October to December 2017.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.

1.3 Number of service requests

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



Chipping Barnet					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Brunswick Park	7	21	14	8	17
Coppetts	8	19	9	20	12
East Barnet	13	15	16	20	8
High Barnet	19	28	13	24	14
Oakleigh	15	16	13	11	15
Totteridge	26	20	18	17	13
Underhill	11	25	13	10	8

Finchley and Golders Green					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Childs Hill	41	56	30	47	36
East Finchley	6	16	10	7	9
Finchley Church End	23	12	12	20	10
Golders Green	31	28	17	19	20
Garden Suburb	20	21	8	18	11
West Finchley	19	12	12	12	13
Woodhouse	14	11	14	27	19

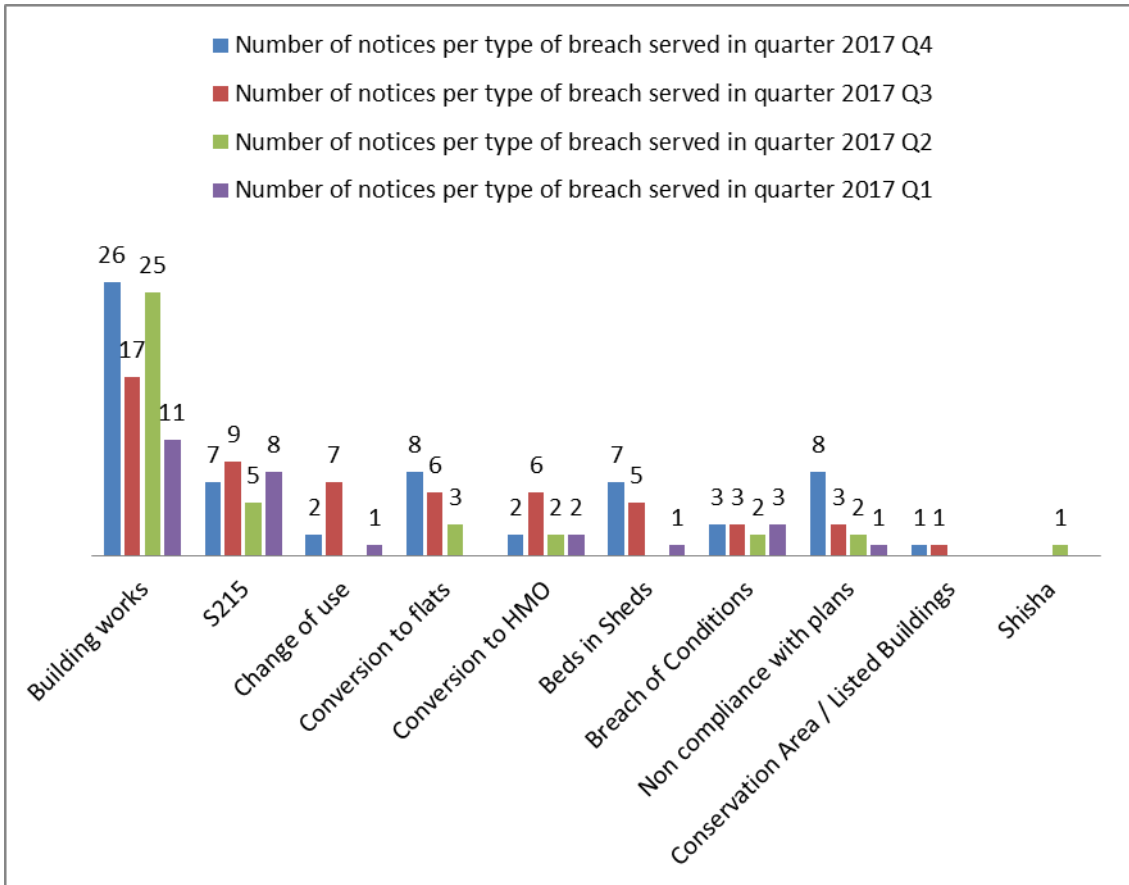
Hendon					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Burnt Oak	14	21	13	12	12
Colindale	10	11	6	4	8
Edgware	9	22	13	17	18
Hale	16	19	16	18	15
Hendon	26	26	12	26	27
Mill Hill	15	13	22	21	25
West Hendon	26	17	16	13	27

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

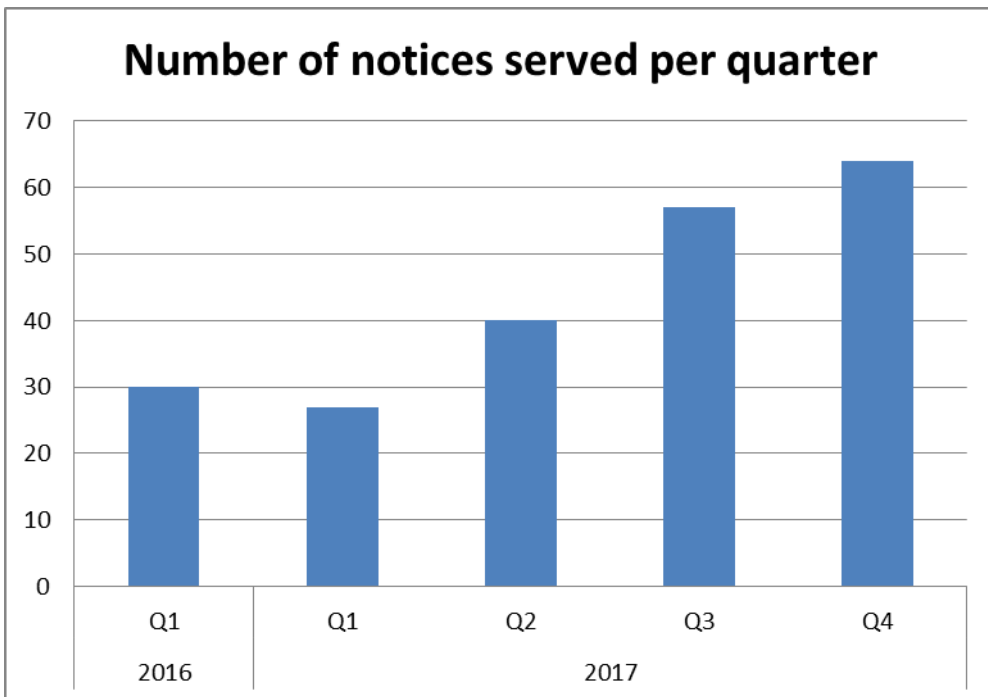
1.4 Formal Enforcement Action

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

In the last quarter, 64 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from the 57 in Q3, 40 in Q2 and 30 notices served in Q1 and is an all time high for the Council. Whilst notices relating to building works continue to constitute the most common type of notices served across the Borough, the last quarter showed a continued increase in the number of more complex notices served against unlawful residential uses: 8 notices were served against unlawful flat conversions, 2 against unlawful Houses in Multiple Occupancy and 7 against Beds in Sheds.



The increase in the number of notices served has been sustained throughout 2017.



Benchmarking:

The Department for Communities and Local Government recently released planning applications and enforcement statistics for the period ending September 2017.

According to those statistics, Barnet now has the fourth busiest enforcement team in the country. According to the official figures, the team served 111 enforcement notices out of a total of 143 of all types in the year ending in September 2017. This is up from eighth for the year ending September 2016 and Barnet's highest ever position in the standings. The mean annual return of enforcement notices from all 339 planning authorities was 13.7.

1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between October and December 2017

	Q4 2017	Q3 2017	Q2 2017	Q1 2017
Full compliance following serving of enforcement notice	35	42	18	11
Informal compliance Works carried out and/or use ceased with breach resolved informally	73	117	82	42
Lawful development No breach of planning control was identified following investigation	232	282	254	167
Breach detected but harm insufficient to justify enforcement action	52	101	61	22
Total	392	542	415	242

The decrease in the number of completed investigations compared to the last quarter is reflective of the fact that officers have reviewed a significant number of older less urgent cases and have focused on the serving of enforcement notices as highlighted in section 1.4.

1.6 Notable cases updates

Finchley and Golders Green

In early December the Council successfully prosecuted the owners of 279 Golders Green Road, NW11 for converting the house into flats. The case was re-opened in summer on the basis of representations made by the owner who had previously been found guilty in his absence of the same offence. The case has been adjourned for sentencing and confiscation.

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 97 Hendon Way are continuing through the Court systems The

Council is pursuing Proceeds of Crime in relation to each. Convictions have been obtained in respect of the first two cases and the third is following a different procedure due to the defendant being out of the country.

The Council was successful in its Prayle Grove court appeal hearing which began in April 2017 and was awarded its full costs in defending the notice. The works required by the upheld notice were completed and it is understood that the house will be brought back into occupation very soon.

A notice directed against the unauthorised use of 45 Etchingham Park Road, N3 has been upheld after a public inquiry. The owners now have until 11 May to restore the property to a single dwelling. The Council was awarded its full costs in defending its notice due to failures on the part of the appellant. The Council was also successful at a hearing into unauthorised extensions at 14 Golders Manor Drive, NW11. The majority of appeals are dealt with by way of written representations rather than at hearings or inquiries and officers are always happy with successful verdicts after being subjected to cross examination.

The High Court injunction case concerning Pentland Close continues. The defendant, who has previously been imprisoned for continuing to store waste and materials at his house, was convicted for a second time in August and handed a 3 month custodial sentence suspended for three years. The Council will approach the Courts with a request that the sentence be activated due to an apparent failure to undertake the works required by the High Court judge.

The Council took the rare and serious step of serving a stop notice in respect of a domestic basement in Golder Manor Drive. Colleagues in Building control and the health and safety executive had voiced grave concerns about the site and asked if planning enforcement could assist. Work on the basement has now come to a halt whilst a planning application is considered. Stop notices are generally reserved for instances where damage can be irreparable or the consequences of the activity of the most serious nature and compensation may be paid where sufficient justification for such a notice does not exist.

Hendon

A trial in respect of a beds in sheds case in Kings Close, NW4 is due to begin in early 2018. Officers had previously obtained a warrant to force entry into the outbuilding they suspected to be in dwelling use. On previous, announced, visits officers formed the impression that it was likely that cooking facilities had been temporarily stripped out to disguise the everyday use of the building as a dwelling.

Chipping Barnet

The “shanty town” development at Hendon Wood Lane that was the subject of television and press headlines has been removed and its residents relocated. A small number of residents remain in buildings that had become immune from enforcement action prior to the Council receiving reports of a possible breach of planning control.

Borough-wide

‘Junk and Disorderly’ a waste removal company was successfully prosecuted for the permanent display of adverts on cars parked at prominent points on the public highway. The offending vehicles have been removed and officers are now speaking to other companies that are putting up similar unneighbourly and obtrusive signs.

Phase two of the joint planning enforcement / greenspaces direct action project was completed in December. This phase saw further untidy sites being cleared; The destruction of an unauthorised hardstanding on a grass verge and; The planting of trees to replace some unlawfully felled. The owners are being chased for the costs of undertaking the works. Preparations for a phase three in early 2018 are already well-advanced.

A further seven recommendations for prosecutions were made to HB public law in during the period covering a range of development types

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

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

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 None

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

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

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